

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO
RICO and COMMONWEALTH OF
PUERTO RICO through the
ENVIRONMENTAL QUALITY
BOARD,

Plaintiffs,

v.

SHELL OIL COMPANY, SHELL
COMPANY PUERTO RICO LTD.,
SHELL CHEMICAL YABUCOA, INC.,
SHELL TRADING (US) COMPANY,
MOTIVA ENTREPRISES, LLC,
EQUILON ENTERPRISES, LLC,
CHEVRONTXACO
CORPORATION, CHEVRON, U.S.A.,
INC., CHEVRON PUERTO RICO,
LLC, TEXACO PUERTO RICO,
INC., CHEVRON PHILLIPS
CHEMICAL PUERTO RICO CORE,
INC., TEXACO PETROLEUM, INC.
CHEVRON INTERNATIONAL
OIL COMPANY, INC.,
TEXACO REFINING AND
MARKETING, INC., CHEVRON
CARIBEAN, INC., CHEVRON
ESTRELLA PUERTO RICO, INC.,
SUNOCO, INC., SUNOCO INC. (R&M),
PUERTO RICO SUN OIL COMPANY,
LLC, CONOCOPHILLIPS COMPANY,
CITGO REFINING AND CHEMICAL
COMPANY, LP, CITGO
INTERNATIONAL P.R., CITGO
PETROLEUM CORPORATION,
TOTAL PETROLEUM PUERTO RICO
CORPORATION, TOTAL OIL INC.,
LYONDELL CHEMICAL COMPANY,

Defendants.

COMPLAINT

District Court

Case No. 07-1505 (ccc)

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U.S. DISTRICT COURT
SAN JUAN, P.R.

COMPLAINT

COMES NOW Plaintiff, the Commonwealth of Puerto Rico and the Commonwealth of Puerto Rico through the Puerto Rico Environmental Quality Board (collectively referred to as “the Commonwealth” or “Plaintiff”), a sovereign entity that manages, controls, holds in trust, and owns the water resources within its boundaries on behalf of the public as trustee over the Commonwealth’s water resources and quasi-sovereign interests, by and through its undersigned counsel, brings this civil action against Defendants, Shell Oil Company, Shell Company Puerto Rico Ltd., Shell Chemical Yabucoa, Inc., Shell Trading (US) Company, Motiva Enterprises, LLC, Equilon Enterprises, LLC, ChevronTexaco Corporation, Chevron, U.S.A., Inc., Chevron Puerto Rico, LLC, Texaco Puerto Rico, Inc., Chevron Phillips Chemical Puerto Rico Core Inc., Texaco Petroleum, Inc., Chevron International Oil Company, Inc., Texaco Refining and Marketing, Inc., Chevron Caribbean, Inc., Chevron Estrella Puerto Rico, Inc., Sunoco, Inc., Sunoco, Inc. (R&M), Puerto Rico Sun Oil Company LLC, ConocoPhillips Company, CITGO Refining and Chemical Company, LP, CITGO International P.R., CITGO Petroleum Corporation, Total Petroleum Puerto Rico Corporation, Total Oil Inc., Lyondell Chemical Company (collectively hereinafter referred to as the “Defendants”) and alleges as follows:

JURISDICTION AND VENUE

1. Jurisdiction of this Court over this action is based upon 28 U.S.C. § 1331; and 42 U.S.C. § 9613(b).
2. This Court has supplemental jurisdiction over this action pursuant to 28 U.S.C. § 1367.

3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b), 28 U.S.C. § 1395(a), and 42 U.S.C. § 9613(b).

SUMMARY OF THE CASE

4. The waters of the Commonwealth, whether surface or ground waters, constitute limited, precious and invaluable public resources that are owned and held in trust for the citizens of the Commonwealth and for which the Commonwealth has the authority and responsibility to protect for present and future generations.

5. Defendants' use of methyl tertiary butyl ether and its natural degradation byproducts, including tertiary butyl alcohol (collectively referred to herein as "MTBE") in gasoline has created an unparalleled threat to both the surface and ground waters of the Commonwealth, including public and private drinking water supplies. Unlike other gasoline constituents, MTBE has unique characteristics that cause extensive environmental contamination. MTBE contaminates and spreads in water resources quickly and is difficult to remove and treat, consequently presenting a grave threat to waters throughout the Commonwealth. MTBE has already contaminated water resources of the Commonwealth and threatens to contaminate many more, as a result of the normal and foreseeable storage, purchase and use of gasoline within the Commonwealth.

6. MTBE can cause significant adverse health effects and, even at very low concentrations, can render drinking water unfit for human consumption due to the fact that MTBE has a very strong odor and taste.

7. The Defendants in this action are all corporate members of the petroleum and chemical industries. As described below, Defendants include refiners of gasoline containing MTBE; manufacturers and promoters of MTBE; suppliers of gasoline containing MTBE; and owners and operators of facilities that have released MTBE into the waters of the Commonwealth.

8. In addition to producing and/or supplying MTBE or gasoline containing MTBE within the Commonwealth, Defendants knowingly and willfully promoted, marketed and sold MTBE and petroleum products containing MTBE, when they knew or reasonably should have known that MTBE would be released into the environment and pollute the waters of the Commonwealth, would interfere with the Commonwealth's interest in protecting and preserving the Commonwealth's waters, and would threaten public health and welfare and the environment, as has occurred and is continuing to occur within the Commonwealth.

PLAINTIFF

9. Plaintiff, the Government of the Commonwealth of Puerto Rico and the Commonwealth of Puerto Rico through the Environmental Quality Board, is a sovereign entity that manages, controls, holds in trust, and owns the water resources within its boundaries. It owns and holds such resources in trust for the benefit of all of its citizens. The Commonwealth brings this action as a trustee and owner of waters within the Commonwealth and pursuant to its police powers, which include, but are not limited to, the power to prevent pollution of the waters of the Commonwealth, prevent public nuisances, and to prevent potential hazards to the public health, welfare, and environment.

10. Plaintiff has standing to sue because it has a property interest in the waters of the Commonwealth as well as a quasi-sovereign interest in protecting such waters from contamination. The contamination of the waters of the Commonwealth by MTBE constitutes an injury to the waters of the Commonwealth, property owned by the Commonwealth and held in public trust by the Commonwealth for the People of Puerto Rico. The Commonwealth seeks damages in its *parens patriae* capacity for the contamination of such waters.

11. It is the public policy of the Commonwealth to maintain the purity of the waters of Puerto Rico required for the welfare, safety, and development of the Commonwealth and to insure and protect the water supply that may be needed by present and future generations. To achieve this purpose, the laws of the Commonwealth have deemed all waters and bodies of water of Puerto Rico to be the property and wealth of the People of Puerto Rico. *See* 12 L.P.R.A. §§ 1115a, 1115c. It is the duty of the Commonwealth Government to administer and protect this patrimony in the name and on behalf of the Puerto Rican people.

12. The Commonwealth, through the Environmental Quality Board, has standing to enforce the Commonwealth's environmental regulations and statutes through The Public Policy Environmental Act, Title II, Act No. 9, 12 L.P.R.A. §1121 *et seq.*

13. The Secretary of Justice may, when in his judgment the interests of the Commonwealth require it, institute and conduct proceedings against persons who intrude on the lands, rights, or property of the Commonwealth, or commit or erect any nuisance thereon.

DEFENDANTS

14. The Defendants in this action are all corporate members of the petroleum industry. As described below, Defendants include refiners of gasoline containing MTBE that contaminates waters of the Commonwealth; manufacturers and promoters of MTBE; suppliers of gasoline containing MTBE that contaminates waters of the Commonwealth; and owners and/or operators of gasoline facilities that have released MTBE that contaminates waters of the Commonwealth.

15. Any and all references to Defendant, Defendants, or a particular Defendant by name in this Complaint include all predecessors, successors, parents, subsidiaries, affiliates, divisions, and agents of the named Defendants.

16. When the term “Defendants” is used alone, it refers to all Defendants named herein jointly and severally.

17. When reference in this complaint is made to any act or omission of the Defendants, it shall be deemed to mean that the officers, directors, agents, employees, or representatives of the Defendants committed or authorized such act or omission, or failed to adequately supervise or properly control or direct their employees while engaged in the management, direction, operation or control of the affairs of Defendants, and did so while acting within the scope of their employment or agency.

A. Refiner/Supplier Defendants

18. Upon information and belief, the following Defendants, at all times relevant to this action, refined, marketed and/or otherwise supplied (directly or indirectly) gasoline and/or other products containing MTBE that each such Defendant knew or should have known would be delivered into the Commonwealth.

19. ChevronTexaco Corporation (“ChevronTexaco”) is a Delaware corporation with its principal place of business at 6001 Bollinger Road, San Ramon, California. Upon information and belief, the Commonwealth alleges that ChevronTexaco was formed as a result of a merger in 2001 of Chevron Corporation and Texaco, Inc. Upon information and belief, the Commonwealth further alleges that ChevronTexaco owns and/or controls defendant Chevron U.S.A., Inc.

20. Chevron Puerto Rico LLC (“Chevron Puerto Rico”) is an affiliate of Chevron Global Energy, Inc., which is also known as Chevron Texaco Products Company, a Delaware limited liability company, with its principal place of business at 6001 Bollinger Canyon Rd., Room 5378, San Ramon, CA 94583. Chevron Puerto Rico’s principal place of business is located at the Texaco Plaza Building, Suite 400, Metro

Office Park, Guaynabo, Puerto Rico 00968. Upon information and belief, the Commonwealth alleges that Chevron Puerto Rico was formerly known as Texaco Puerto Rico LLC, which was formerly known as Texas Company (Puerto Rico) Inc.

21. Texaco Puerto Rico, Inc, is a Puerto Rico corporation with its principal place of business located at Texaco Plaza Metro Office Park, Street 1 #2, 4th Floor, Suite 400, Guaynabo, Puerto Rico 00968.

22. Chevron Phillips Chemical Puerto Rico Core, Inc. ("Chevron Phillips"), upon information and belief formally known as Phillips Puerto Rico Core Inc., is a Delaware corporation with its principal place of business in Puerto Rico located at Carr 710 KM 1.3, Guayama, Puerto Rico 00784. Chevron Phillips is a subsidiary of Chevron Phillips Chemical LLC.

23. Texaco Petroleum, Inc. is a Delaware Corporation with its principal place of business in Puerto Rico at Street 1, #2 Metro Office Park, Guayanabo, Puerto Rico 00968.

24. Chevron International Oil Company, Inc. ("Chevron International") is a Delaware corporation with its principal place of business in Puerto Rico at Almacenes Del Castillo, Zona Libre, San Juan, Puerto Rico.

25. Chevron U.S.A., Inc. ("Chevron U.S.A.") is a Pennsylvania corporation with its principal place of business at 6001 Bollinger Road, San Ramon, California. Chevron U.S.A. acquired Gulf Oil Corporation ("Gulf Oil") through merger in 1984 and is the successor in interest to Gulf Oil.

26. The term “Chevron” as used in this Complaint refers to ChevronTexaco and Chevron U.S.A.

27. Texaco Refining and Marketing, Inc. (“Texaco”) is a Delaware corporation with its principal place of business in Houston, Texas.

28. CITGO Refining and Chemical Company, LP (“CITGO Refining”), a subsidiary of CITGO Investment Company, is an Oklahoma limited partnership with its principal place of business at 6100 South Yale Avenue, Tulsa, Oklahoma.

29. CITGO International P.R. (“CITGO International”), also known as CITGO Puerto Rico Petroleum Corporation is a Delaware corporation with its principal place of business at 6100 South Yale Avenue, Tulsa, Oklahoma 74136.

30. CITGO Petroleum Corporation (“CITGO Petroleum”) is a Delaware corporation with its principal place of business at 6100 South Yale Avenue, Tulsa, Oklahoma.

31. The term “CITGO” as used in this Complaint refers to CITGO Petroleum and/or CITGO Refining.

32. ConocoPhillips Company (“ConocoPhillips”) is a Delaware corporation with its principal place of business at 600 North Dairy Ashford, Houston, Texas. On information and belief, the Commonwealth alleges that ConocoPhillips was formed as the result of a merger in 2002 of Conoco, Inc. and Phillips Petroleum Company. On information and belief, the Commonwealth further alleges that ConocoPhillips is the successor corporation to Conoco, Inc. and Phillips Petroleum Company. The Commonwealth is further informed and believed that ConocoPhillips is the successor

corporation to Tosco Corporation, including its subsidiary Tosco Refining LP, which was acquired by Phillips Petroleum Company in 2001.

33. Shell Oil Company ("Shell Oil") is a Delaware corporation with its principal place of business at One Shell Plaza, 910 Louisiana, Houston, Texas.

34. Shell Company Puerto Rico Ltd. is a Puerto Rico corporation with its principal place of business in San Juan, Puerto Rico.

35. Shell Chemical Yabucoa, Inc. ("Shell Chemical Yabucoa") is a Puerto Rico corporation with its principal place of business located at Road 901, KM 2.7, Yabucoa, Puerto Rico 00767.

36. Shell Trading (US) Company ("Shell Trading") is a Delaware corporation with its principal place of business in Houston, Texas and its principal place of business in Puerto Rico at 361 San Francisco Street, Penthouse, Old San Juan, Puerto Rico, 00901.

37. Motiva Enterprises, LLC ("Motiva") is a Delaware limited liability company with its principal place of business at 1100 Louisiana, Suite 1000, Houston, Texas. Upon information and belief, the Commonwealth alleges that Motiva is a successor in interest to certain entities related to defendant Shell Oil Company and defendant Texaco Refining and Marketing, Inc., and is owned and/or controlled by Defendant Shell Oil. Upon information and belief, the Commonwealth alleges that Motiva was formerly known as Star Enterprises LLC.

38. Equilon Enterprises, LLC ("Equilon"), d/b/a Shell Oil Products US, is a Delaware limited liability company with its principal place of business at 1100 Louisiana Street, Suite 2200, Houston, Texas 77002.

39. The term “Shell” as used herein refers to Shell Oil.

40. Sunoco, Inc., formerly known as Sun Oil Company and Sun Company, Inc., is a Pennsylvania corporation with its principal place of business at 1801 Market Street, 27th Floor, Philadelphia, Pennsylvania 19103.

41. Sunoco, Inc. (R&M), formerly known as Sun Refining and Marketing Company and Sun Company Inc. (R&M), is a Pennsylvania corporation with its principal place of business at 1801 Market Street, 27th Floor, Philadelphia, Pennsylvania 19103.

42. Puerto Rico Sun Oil Company LLC is a Delaware corporation with its principal place of business located at Road 901, KM 2.7, Yabucoa, Puerto Rico 00767.

43. The term “Sunoco” as used herein refers to Sunoco Inc. and Sunoco Inc. (R&M).

44. Total Petroleum Puerto Rico Corporation (“Total PR”), successor to Gasolinas de Puerto Rico Corporation, is a Puerto Rico corporation with its principal place of business at Mario Julia Industrial Park, A Street, Suite 11A, Guaynabo, Puerto Rico 00920. Upon information and belief, the Commonwealth alleges that Total PR is a wholly owned subsidiary of Total Outre Mer, S.A. of France.

45. Total Oil, Inc. is a Delaware corporation with its principal place of business at 909 Fannin Street, Suite 2200, Houston, Texas.

B. MTBE Manufacturer/Supplier Defendants

46. Upon information and belief, the following Defendants, at all times relevant to this action, manufactured and supplied MTBE and/or other products

containing MTBE that each such Defendant knew or should have known would be delivered into the Commonwealth.

47. Lyondell Chemical Company, successor in interest to ARCO Chemical Company (collectively, "Lyondell Chemical"), is a Delaware corporation with its principal place of business at 1221 McKinney Street, Houston, Texas 77010

48. In addition to Lyondell, Defendants Chevron U.S.A., Chevron Phillips, CITGO, ConocoPhillips, Motiva, Shell Oil, and Sunoco manufactured MTBE for use in gasoline.

C. Owner/Operator Defendants

49. Upon information and belief, the following Defendants, at all times relevant to this action, owned and or operated gasoline service stations and/or underground storage tanks that have discharged gasoline containing MTBE.

50. Chevron Caribbean, Inc. ("Chevron Caribbean") is a Delaware corporation with its principal place of business at Texaco Plaza Building, Suite 400, Metro Office Park, Guaynabo, Puerto Rico 00968. Upon information and belief, the Commonwealth alleges that Chevron Caribbean was formerly known as Texaco Caribbean, Inc.

51. Chevron Estrella Puerto Rico, Inc. ("Chevron Estrella") is a Puerto Rico corporation, formerly known as Texaco Estrella Puerto Rico, inc., with its principal place of business at the Texaco Plaza Building, Suite 400, Metro Office Park, Guaynabo, Puerto Rico 00968.

52. Total PR is also an owner of service stations.

53. Defendants Chevron U.S.A., Chevron Phillips, CITGO, ConocoPhillips, Motiva, Shell Oil, and Sunoco are/were the owners of services stations and/or are the successors to the owners of service stations.

ALLEGATIONS APPLICABLE TO ALL CAUSES OF ACTION

The Contaminant – MTBE

54. Methyl tertiary butyl ether is an additive to gasoline. As used herein, MTBE consists not only of methyl tertiary butyl ether, but also the contaminants in commercial grade MTBE.

55. TBA is present in some gasoline as an impurity in commercial grade MTBE and a degradation or breakdown product of MTBE.

56. MTBE contaminates the environment through leaks and spills from gasoline delivery systems. Once released to the environment, MTBE has unique characteristics that cause extensive environmental contamination and a corresponding threat to the public health and welfare. In particular, the fate and transport of MTBE in the subsurface differs significantly from that of gasoline constituents that have historically been of environmental and/or toxicological concern, specifically the “BTEX compounds” (benzene, toluene, ethylbenzene, and xylene).

57. Once released into the subsurface, MTBE separates from other gasoline constituents in the presence of moisture. In contrast to the BTEX compounds, MTBE has a strong affinity for water. If MTBE is released into the environment in sufficient quantities, MTBE has the capacity to migrate through the soil, the groundwater, penetrate deeper within the aquifer, and cause persistent contamination that can threaten the potability of drinking water wells. There is a potentially lengthy delay, based on site specific factors, between the time MTBE is released and the time it and its degradation

products accumulate in potentially usable ground water in sufficient quantities to contaminate public drinking water resources.

58. MTBE spreads farther and faster than other components of gasoline, resists biodegradation, and is difficult and costly to remove from groundwater and drinking water supplies.

59. No federal or Commonwealth agency has approved MTBE as an additive to drinking water. No federal or Commonwealth agency has approved releasing MTBE to groundwater.

60. Along with its other vile properties, MTBE can render water supplies undrinkable by changing the taste and odor of water into a foul smelling liquid with a turpentine odor and chemical taste unfit for human consumption.

61. MTBE also presents a significant public health threat. Because of MTBE's potential for causing cancer, it is currently classified by the U.S. Environmental Protection Agency ("EPA") as a "possible carcinogen" and an EPA draft risk assessment has recommended reclassifying MTBE as a "probable carcinogen."

62. Because of MTBE's propensity to contaminate vast quantities of water, to date, at least 25 States or Commonwealths have banned or enacted laws that have set a date certain banning the use of MTBE as an additive in gasoline.

Defendants' Promotion of MTBE

63. The Refiner/Supplier and Manufacturer/Supplier Defendants, all of whom have promoted the use of gasoline containing MTBE for its purported environmental benefits, knew or should have known of the grave harm and threat to the public health and welfare represented by the proliferating use of this compound, including (among other things): widespread pollution of groundwater with MTBE, contamination of public drinking water by these compounds, drinking water supplies rendered unfit and unusable

for consumption, public health threatened, and increased costs to public water suppliers and their customers.

64. Despite knowing that MTBE pollution was inevitable unless adequate precautions were taken, and despite the availability of reasonable alternatives (including but not limited to adequate warnings) Defendants chose not to warn customers, retailers, regulators or public officials, including the Commonwealth. As production and sales of these compounds and gasoline containing them increased, Defendants failed to take any reasonable, appropriate, and special precautions to store gasoline containing MTBE safely, or to prevent, detect and clean-up spills and leaks of gasoline containing this product. Despite knowing the risk of harm posed by MTBE, Defendants also failed to warn purchasers, the public, regulators, and/or the Commonwealth that without such precautions more and more MTBE would be released into the environment and cause, among other significant adverse effects, long term groundwater contamination, pollution of water supplies, and threats to public health and safety.

65. The Refiner/Supplier Defendants further exacerbated the situation by continuing unreasonable and negligent acts, including providing gasoline containing MTBE to gasoline stations without either providing appropriate warnings or taking other precautions adequate to prevent releases of MTBE to the subsurface, knowing that release to the environment of this compound would be inevitable because a substantial percentage of those gasoline stations would store such gasoline without taking reasonable, appropriate or special precautions, including placing the gasoline in inadequate and leaking gasoline delivery systems, and failing to take reasonable, appropriate, or special measures to monitor, detect, and respond to releases of MTBE to soil and/or groundwater, and without taking reasonable, appropriate or special precautions to investigate, contain and clean up releases of these compounds.

66. The Refiner/Supplier and Manufacturer/Supplier Defendants took affirmative actions that led to the contamination of the Commonwealth's groundwater resources with MTBE, including but not limited to, making representations to downstream users of MTBE and/or gasoline containing MTBE, as well as to the public and government agencies, that such products were environmentally sound and appropriate for widespread production, distribution, sale and use. Indeed, Defendants represented that gasoline containing MTBE could be handled the same as ordinary gasoline, and required no special measures to protect against or respond to suspected releases to the subsurface.

67. The manufacturers, refiners, and suppliers of MTBE and gasoline containing MTBE had a duty (which they breached) to test MTBE thoroughly to determine its environmental fate and transport characteristics, and potential human health impacts before they sold MTBE and/or gasoline containing MTBE, and had a further duty (which they also breached) to take precautions necessary to assure that gasoline containing MTBE was properly stored and to institute all necessary measures to contain and promptly abate the inevitable spills and leaks. Nonetheless, the Defendants, and each of them, failed adequately to test, store, warn about, or control gasoline containing MTBE, and, among other things, failed to abate groundwater contamination caused by MTBE, including contamination in and pollution to the Commonwealth's groundwater resources.

68. The Refiner/Supplier and Manufacturer/Supplier Defendants, their agents and employees created, participated in, and/or facilitated the flow of MTBE and/or gasoline containing one or more such compounds into gasoline distribution, storage, and dispensing systems that they knew could not safely contain such products. The widespread problems of leaking gasoline delivery systems were well known to the Defendants prior to the introduction of MTBE. At least as early as the mid-1960's, these

Defendants knew, or reasonably should have known, that gasoline delivery systems suffer significant and widespread leaks and failures, and release gasoline products into the environment, including into groundwater.

69. Before introducing MTBE into gasoline delivery systems, the Refiner/Supplier and Manufacturer/Supplier Defendants knew, or reasonably should have known, among other things, that MTBE released into the environment would mix easily with ground water, move great distances, resist biodegradation and/or bioremediation, render drinking water unsafe and/or non-potable, cause significant expenses to remove from public drinking water supplies, and otherwise threaten the public health and welfare. The Defendants knew, or they reasonably should have known, that the gasoline distribution and retail system in the Commonwealth contained leaking gasoline delivery systems. They knew, or they reasonably should have known, that gasoline facilities, including those in the Commonwealth, commonly lacked adequate storage facilities for gasoline containing MTBE, and that the operators of these facilities were unaware of either the special hazards of MTBE or the steps necessary to eliminate or mitigate those hazards.

70. At all times relevant to this action:

- (a) The Manufacturer/Supplier Defendants, and each of them, sold, exchanged, supplied, distributed, delivered and/or otherwise provided MTBE to the Refiner/Supplier Defendants, and each of them, sold, exchanged, supplied, distributed, delivered and/or otherwise provided gasoline containing MTBE to retail gasoline stations and/or other gasoline delivery systems in the Commonwealth. Upon information and belief, the Commonwealth alleges that such sales, exchanges, supplies, distributions,

deliveries and/or other provisions of gasoline containing MTBE to such facilities occurred over time, up to and including the present;

- (b) Gasoline containing MTBE was released to the subsurface from retail gasoline facilities owned and/or operated by the Owner/Operator Defendants, and each of them, and from other facilities at dispersed locations in the Commonwealth. Such releases of gasoline containing MTBE have occurred over time, have been discovered or have become discoverable at various times, and are still occurring, all in varying amounts at different locations, impacting various aquifers in various sub-basins within the Commonwealth; and
- (c) MTBE takes time to migrate from release points to locations within the subsurface at which they have an appreciable impact on groundwater resources. MTBE has over time migrated in the subsurface from dispersed release points at or near the surface at retail gasoline facilities in the Commonwealth, causing pollution, contamination, and substantial damage to the Commonwealth's groundwater resources, causing appreciable injury to the Commonwealth.

COUNT I
(Strict Products Liability for Defective Design and
Failure to Warn Against All Defendants)

71. The Commonwealth re-alleges paragraphs 1 through 70 above, and by this reference incorporates them as though set forth in full.

72. The Refiner/Supplier Defendants, and each of them, designed, formulated, manufactured, compounded, refined, provided product information and/or instructions for use, packaged, labeled, promoted, marketed, distributed, transported, exchanged and/or sold gasoline containing MTBE.

73. The Refiner/Supplier and Manufacturer/Supplier Defendants, and each of them, designed, formulated, manufactured, compounded, refined, provided product information and/or instructions for use, packaged, labeled, promoted, marketed, distributed, transported, exchanged and/or sold MTBE, which was intended by said Defendants, and each of them, to be used as a gasoline additive.

74. The Owner/Operator Defendants took delivery of, stored and sold the gasoline containing MTBE which is contaminating and polluting ground water in the Commonwealth.

75. The Refiner/Supplier and Manufacturer/Supplier Defendants, and each of them, represented, asserted, claimed and warranted that gasoline containing MTBE could be used in the same manner as gasoline not containing these compounds, and/or that gasoline containing MTBE did not require any different or special handling or precautions.

76. Defendants, and each of them, knew that said product(s) were to be purchased and used without inspection for defects.

77. MTBE and gasoline containing MTBE are defective products because, among other things:

- (a) The design and manufacture of these products was defective;
- (b) The benefits of using MTBE in gasoline, if any, are greatly outweighed by the associated costs and negative impacts imposed on society, consumers, and the environment, and on groundwater resources within the Commonwealth;
- (c) They cause extensive groundwater contamination by MTBE even when used in their foreseeable and intended manner;

- (d) Even at extremely low levels, MTBE renders drinking water putrid, foul, and unfit for purveying as drinking water to the public;
- (e) MTBE poses significant threats to the public health and welfare;
- (f) The Refiner/Supplier and Manufacturer/Supplier Defendants failed to provide adequate warnings of the known and foreseeable risks of MTBE and/or gasoline containing MTBE, including but not limited to groundwater contamination with MTBE;
- (g) The Refiner/Supplier and Manufacturer/Supplier Defendants failed to conduct reasonable, appropriate or adequate scientific studies to evaluate the environmental fate and transport and potential human health effects of MTBE; and
- (h) Commercial grade MTBE is defectively manufactured when it contains unnecessary but environmentally harmful impurities such as TBA.

78. MTBE and/or gasoline containing MTBE were used as intended to be used and in a foreseeable manner, and as a proximate result of the defects previously described, MTBE directly and proximately caused the Commonwealth to sustain the injuries and damages set forth in this Complaint.

79. As a direct and proximate result of the acts and omissions of the Refiner/Supplier and Manufacturer/Supplier Defendants alleged herein, the Commonwealth will have to assess, evaluate, investigate, monitor, abate, clean-up, correct, contain, and remove MTBE from groundwater resources within its territory, all at significant expense, loss, and damage. In particular, the Commonwealth must investigate MTBE releases from all underground gasoline storage tanks within its territory, including those that have never been reported to regulators as known or suspected sources of releases.

80. As a further direct and proximate result of the acts and omissions of the Refiner/Supplier and Manufacturer Defendants alleged in this Complaint, the Commonwealth has sustained and will continue to sustain damages and substantially increased expenses. The Commonwealth has incurred and will continue to incur costs and attorneys' fees in prosecuting this action. The Commonwealth is entitled to recover all such damages, together with court costs and reasonable attorneys' fees, in this action.

81. Defendants CITGO, Chevron, ConocoPhillips, Lyondell, Shell, Sunoco, and Texaco knew that it was substantially certain that their alleged acts and omissions described above would threaten public health and cause extensive contamination of common water supplies, public drinking water supplies, and property damage. These Defendants committed each of the above described acts and omissions knowingly, willfully, and with oppression, fraud, and/or malice and with conscious disregard of the health and safety of others, and of Plaintiff's rights.

82. Defendants' conduct is reprehensible, despicable, and was performed to promote sales of MTBE and/or gasoline containing MTBE in conscious disregard of the known risks of injury to health and property. Defendants acted with willful and conscious disregard of the probable dangerous consequences of that conduct and its foreseeable impact upon the Commonwealth. Therefore, the Commonwealth requests an award of exemplary damages, to the extent available to the Commonwealth and not prohibited by law, in an amount sufficient to punish Defendants, Chevron, CITGO, ConocoPhillips, Lyondell, Shell, Sunoco, and Texaco. After the completion of additional investigation and discovery, the Commonwealth may seek leave of court to amend this Complaint to allege a claim for exemplary damages, to the extent available to the Commonwealth and not prohibited by law, against additional Defendants if warranted by the facts.

COUNT II
(Public Nuisance - 32 L.P.R.A. § 2761)

83. The Commonwealth re-alleges paragraphs 1 through 82 above, and by this reference incorporates them as though set forth in full.

84. The negligent, reckless, intentional and ultrahazardous activity of Defendants, and each of them, alleged herein has resulted in the contamination and pollution of the waters of the Commonwealth as alleged herein, and constitutes a public nuisance. 32 L.P.R.A. § 2761. The Secretary of Justice is authorized to institute proceedings against those parties that intrude on the lands, rights, or property of the Commonwealth, or commit a nuisance thereon. 3 L.P.R.A. § 73.

85. The public nuisance caused, contributed to, maintained, and/or participated in by Defendants, and each of them, has substantially and unreasonably interfered with, obstructed and/or threatened, among other things, the Commonwealth's significant property and quasi-sovereign interests in the waters of the Commonwealth, the Commonwealth's ability to protect, conserve and manage the waters of the Commonwealth, which are by law precious and invaluable public resources held by the Commonwealth in trust for the benefit of the public, as well as the rights of the people of the Commonwealth to enjoy a water supply free from unacceptable health risk, taste, odor, pollution, and contamination.

86. Each Defendant has, at all times relevant to this action, caused, maintained, participated in and/or assisted in the creation of such public nuisance. Among other things, each Defendant is a substantial contributor to such public nuisance as follows:

- a. The Manufacturer/Supplier Defendants manufactured, promoted and supplied MTBE to refiners when they knew, or reasonably should have known, that: (i) the refiners would in turn blend the MTBE into gasoline; (ii) such gasoline containing MTBE would then be placed into leaking gasoline delivery systems, including those in the Commonwealth; (iii) MTBE would be released even more readily than the constituents of conventional gasoline from gasoline delivery systems; and (iv) when released into the subsurface, MTBE would spread farther and faster than other components of gasoline, resist biodegradation, contaminate groundwater, including drinking water supplies, and, ultimately, be difficult and costly to find and remove from the water.
- b. The Refiner/Supplier Defendants, and each of them, refined, marketed and/or otherwise supplied gasoline containing MTBE that was delivered into the Commonwealth, when they knew, or reasonably should have known, that: (i) such gasoline would be placed into leaking gasoline delivery systems; (ii) MTBE would be released even more readily than the constituents of conventional gasoline from gasoline delivery systems; and (iii) when released into the subsurface, MTBE would spread farther and faster than other components of gasoline, resist biodegradation, contaminate groundwater, including drinking water supplies, and, ultimately, be difficult and costly to remove from the water.
- c. Defendants CITGO, Chevron, ConocoPhillips, Shell, Sunoco, and Texaco had first-hand knowledge and experience regarding leaking gasoline delivery systems and releases of MTBE to groundwater therefrom. These

Defendants obtained such first-hand knowledge and experience because each of them owned, operated and/or controlled individual gasoline stations with leaking gasoline delivery systems, including gasoline stations in the Commonwealth.

- d. Defendants, and each of them, manufactured, refined, marketed, promoted, and/or otherwise supplied MTBE and/or gasoline containing MTBE to downstream handlers, when they knew, or reasonably should have known, that MTBE would: (i) be released into the environment from commercial and consumer uses and sources in the Commonwealth other than gasoline delivery systems; and (ii) contaminate the waters of the Commonwealth.
- e. Despite their knowledge that contamination of the waters of the Commonwealth with MTBE was the inevitable consequence of their conduct as alleged herein, Defendants, and each of them, failed to provide any warnings or special instructions, or take any other precautionary measures to prevent or mitigate such contamination.
- f. Defendants CITGO, Chevron, ConocoPhillips, Lyondell, Shell, Sunoco, and Texaco engaged in separate and joint activities to suppress, conceal and/or minimize information regarding the hazards of MTBE in order to mislead government agencies, including the Commonwealth, and the public regarding the hazards of MTBE.

87. The public nuisance caused, contributed to, maintained, and/or participated in by Defendants, and each of them, has caused and/or threatens to cause

substantial injury to the waters of the Commonwealth, in which the Commonwealth has significant property rights and quasi-sovereign interests.

88. The contamination of the waters of the Commonwealth with MTBE alleged herein has varied over time and has not yet ceased. MTBE continues to threaten, migrate into and enter the waters of the Commonwealth. Until the nuisance is abated and the waters of the Commonwealth are returned to their pre-injury quality, the Defendants are liable for the creation and continued maintenance of a public nuisance in contravention of the public's right to clean water and an unspoiled environment.

89. As a direct and proximate result of Defendants' acts and omissions as alleged herein, the Commonwealth has incurred, is incurring, and will continue to incur, administrative, investigation, remediation, cleanup, restoration, removal, treatment and/or monitoring costs and expenses related to contamination of the waters of the Commonwealth with MTBE for which Defendants are jointly and severally liable.

90. As a further direct and proximate result of the acts and omissions of the Defendants alleged in this Complaint, the Commonwealth has sustained and will continue to sustain other substantial expenses and damages for which Defendants are jointly and severally liable.

91. The injuries to the waters of the Commonwealth caused and/or threatened by Defendants' acts and omissions as alleged herein are indivisible.

92. Defendants' conduct is reprehensible, despicable, and was performed to promote sales of MTBE and/or gasoline containing MTBE in conscious disregard of the known risks of injury to health and property. Defendants acted with willful and conscious disregard of the probable dangerous consequences of that conduct and its foreseeable

impact upon the Commonwealth. Therefore, the Commonwealth requests an award of exemplary damages, to the extent available to the Commonwealth and not prohibited by law, in an amount sufficient to punish Defendants, Chevron, CITGO, ConocoPhillips, Lyondell, Shell, Sunoco, and Texaco. After the completion of additional investigation and discovery, the Commonwealth may seek leave of court to amend this Complaint to allege a claim for exemplary damages, to the extent available to the Commonwealth and not prohibited by law, against additional Defendants if warranted by the facts.

COUNT III
(Trespass - 31 L.P.R.A § 5141)

93. The Commonwealth re-alleges paragraphs 1 through 92 above, and by this reference incorporates them as though set forth in full.

94. The Commonwealth is the owner and/or actual possessor of property rights and interests in the waters of the Commonwealth, as alleged herein, which the Commonwealth holds in trust for the benefit of the public. These property rights and interests include, but are not limited to, a quasi-sovereign interest in protecting the quality of such waters from contamination and pollution.

95. Defendants, and each of them, intentionally manufactured, refined, marketed, and/or otherwise supplied MTBE and/or gasoline containing MTBE with the knowledge that contamination of the waters of the Commonwealth with MTBE was substantially certain to result.

96. Among other things, Defendants, and each of them, intentionally caused MTBE to enter, invade, intrude upon and injure the waters of the Commonwealth as follows:

- g. The Manufacturer/Supplier Defendants manufactured, promoted and supplied MTBE to refiners when they knew that it was substantially certain that: (i) the refiners would in turn blend the MTBE into gasoline; (ii) such gasoline containing MTBE would then be placed into leaking gasoline delivery systems, including those in the Commonwealth; (iii) MTBE would be released even more readily than the constituents of conventional gasoline from gasoline delivery systems; and (iv) when released into the subsurface, MTBE would spread farther and faster than other components of gasoline, resist biodegradation, contaminate groundwater, including drinking water supplies, and, ultimately, be difficult and costly to find and remove from the water.
- h. The Refiner/Supplier Defendants, and each of them, refined, marketed and/or otherwise supplied gasoline containing MTBE that was delivered into the Commonwealth, when they knew that it was substantially certain that: (i) such gasoline would be placed into leaking gasoline delivery systems; (ii) MTBE would be released even more readily than the constituents of conventional gasoline from gasoline delivery systems; and (iii) when released into the subsurface, MTBE would spread farther and faster than other components of gasoline, resist biodegradation, contaminate groundwater, including drinking water supplies, and, ultimately, be difficult and costly to remove from the water.
- i. Defendants CITGO, Chevron, ConocoPhillips, Shell, Sunoco, and Texaco had first-hand knowledge and experience regarding leaking gasoline delivery systems and releases of MTBE to groundwater therefrom. These

defendants obtained such first-hand knowledge and experience because each of them owned, operated and/or controlled individual gasoline stations with leaking gasoline delivery systems, including gasoline stations in the Commonwealth.

- j. Defendants, and each of them, manufactured, refined, marketed, promoted, and/or otherwise supplied MTBE and/or gasoline containing MTBE to downstream handlers, when they knew that it was substantially certain that MTBE would: (i) be released into the environment from commercial and consumer uses and sources in the Commonwealth other than gasoline delivery systems; and (ii) contaminate the waters of the Commonwealth.
- k. Despite their knowledge that groundwater contamination with MTBE was the inevitable consequence of their conduct as alleged herein, Defendants, and each of them, failed to provide any warnings or special instructions, or take any other precautionary measures to prevent or mitigate such contamination.
- l. Defendants CITGO, Chevron, ConocoPhillips, Lyondell, Shell, Sunoco, and Texaco engaged in separate and joint activities to suppress, conceal and/or minimize information regarding the hazards of MTBE in order to mislead government agencies, including the Commonwealth, and the public regarding the hazards of MTBE.

97. Each of these Defendants' intentional acts and omissions has caused a trespass upon and contaminated the property, namely the waters, of the Commonwealth

causing the Commonwealth damages for which Defendants are liable pursuant to 31 L.P.R.A § 5141.

98. The contamination of the waters of the Commonwealth with MTBE alleged herein has varied over time and has not yet ceased. MTBE continues to threaten, migrate into and enter the waters of the Commonwealth. Defendants continue to refrain from taking responsibility for this trespass and from taking action to remediate existing contamination and prevent future contamination of the Commonwealth's waters.

99. The Commonwealth has not consented to and does not consent to the trespass alleged herein. Defendants, and each of them, knew or reasonably should have known, that the Commonwealth would not consent to this trespass.

100. As a direct and proximate result of defendants' acts and omissions as alleged herein, the Commonwealth has incurred, is incurring, and will continue to incur, administrative, investigation, remediation, cleanup, restoration, removal, treatment and/or monitoring costs and expenses related to contamination of the waters of the Commonwealth with MTBE for which defendants are jointly and severally liable pursuant to 31 L.P.R.A § 5141.

101. As a further direct and proximate result of the acts and omissions of the defendants alleged in this Complaint, the Commonwealth has sustained and will continue to sustain other substantial expenses and damages for which defendants are jointly and severally liable pursuant to 31 L.P.R.A § 5141.

102. The injuries to the waters of the Commonwealth caused and/or threatened by defendants' acts and omissions as alleged herein are indivisible.

103. Defendants' conduct is reprehensible, despicable, and was performed to promote sales of MTBE and/or gasoline containing MTBE in conscious disregard of the known risks of injury to health and property. Defendants acted with willful and conscious disregard of the probable dangerous consequences of that conduct and its foreseeable impact upon the Commonwealth. Therefore, the Commonwealth requests an award of exemplary damages, to the extent available to the Commonwealth and not prohibited by law, in an amount sufficient to punish Defendants, Chevron, CITGO, ConocoPhillips, Lyondell, Shell, Sunoco, and Texaco. After the completion of additional investigation and discovery, the Commonwealth may seek leave of court to amend this Complaint to allege a claim for exemplary damages, to the extent available to the Commonwealth and not prohibited by law, against additional Defendants if warranted by the facts.

COUNT IV
(Negligence - 31 L.P.R.A § 5141)

104. The Commonwealth re-alleges paragraphs 1 through 103 above, and by this reference incorporates them as though set forth in full.

105. Defendants had a duty to the Commonwealth to exercise due care in the design, manufacture, formulation, handling, control, disposal, marketing, sale, testing, labeling, use, and instructions for use of MTBE and/or gasoline containing MTBE.

106. Defendants so negligently, carelessly, and recklessly designed, manufactured, formulated, handled, labeled, instructed, controlled (or failed to control), tested (or failed to test), marketed, sold and otherwise entrusted MTBE and gasoline containing MTBE that they breached their duties and directly and proximately caused MTBE to contaminate and threaten the waters of the Commonwealth, resulting in the damages alleged in this Complaint.

107. Defendants, and each of them, failed to conduct reasonable, appropriate or adequate scientific studies to evaluate the environmental fate and transport characteristics of MTBE, and/or the likelihood that use of MTBE as a component of gasoline would pollute public waters, render drinking water unusable and unsafe, and threaten public health and welfare and the environment.

108. The Manufacturer/Supplier Defendants, among other things, manufactured, promoted and/or otherwise supplied MTBE to refiners when they knew, or reasonably should have known, that: (a) the refiners would in turn blend the MTBE into gasoline; (b) such gasoline containing MTBE would then be placed into leaking gasoline delivery systems, including those in the Commonwealth; (c) MTBE would be released even more readily than the constituents of conventional gasoline from gasoline delivery systems; and (d) when released into the subsurface, MTBE would spread farther and faster than other components of gasoline, resist biodegradation, contaminate ground water, including drinking water supplies, and, ultimately, be difficult and costly to find and remove from the water.

109. The Refiner/Supplier Defendants, and each of them, among other things, refined, marketed, and/or otherwise supplied gasoline containing MTBE that was delivered into the Commonwealth and/or in areas affecting waters of the Commonwealth, when they knew, or reasonably should have known, that: (a) such gasoline would be placed into leaking gasoline delivery systems; (b) MTBE would be released even more readily than the constituents of conventional gasoline from gasoline delivery systems; and (c) when released into the subsurface, MTBE would spread farther and faster than other components of gasoline, resist biodegradation, contaminate ground water, including drinking water supplies, and, ultimately, be difficult and costly to remove from the water.

110. Defendants CITGO, Chevron, ConocoPhillips, Lyondell, Shell, Sunoco, and Texaco also had first-hand knowledge and experience regarding leaking gasoline delivery systems and releases of MTBE to ground water from such systems. These defendants obtained such first-hand knowledge and experience because each of them owned, operated and/or controlled individual gasoline stations with leaking gasoline delivery systems.

111. Defendants, and each of them, manufactured, refined, marketed, promoted and/or otherwise supplied MTBE and/or gasoline containing MTBE to downstream handlers, when they knew, or reasonably should have known, that MTBE would: (i) be released into the environment from commercial and consumer uses and sources in the Commonwealth other than gasoline delivery systems; and (ii) contaminate the waters of the Commonwealth.

112. Despite their knowledge that groundwater contamination with MTBE was the inevitable consequence of their conduct as alleged herein, Defendants, and each of them, failed to provide any warnings or special instructions, or take any other precautionary measures to prevent or mitigate such contamination.

113. In light of the facts alleged herein, Defendants, and each of them, breached their duty to use due care in the design, manufacture, formulation, handling, control, marketing, sale, testing, labeling, use, and instructions for use of MTBE and/or gasoline containing MTBE.

114. As a direct and proximate result of Defendants' acts and omissions as alleged herein, the Commonwealth has incurred, is incurring, and will continue to incur, administrative, investigation, remediation, cleanup, restoration, removal, treatment and/or

monitoring costs and expenses related to contamination of the waters of the Commonwealth with MTBE for which defendants are jointly and severally liable pursuant to 31 L.P.R.A § 5141.

115. As a further direct and proximate result of the acts and omissions of the Defendants alleged in this Complaint, the Commonwealth has sustained and will continue to sustain other substantial expenses and damages for which defendants are jointly and severally liable pursuant to 31 L.P.R.A § 5141.

116. The injuries to the waters of the Commonwealth caused and/or threatened by Defendants' acts and omissions as alleged herein are indivisible.

117. The contamination of the waters of the Commonwealth with MTBE alleged herein has varied over time and has not yet ceased. MTBE continues to threaten, migrate into and enter the waters of the Commonwealth. Defendants continue to refrain from taking responsibility for this trespass and from taking action to remediate existing contamination and prevent future contamination of the Commonwealth's waters.

118. Defendants' conduct is reprehensible, despicable, and was performed to promote sales of MTBE and/or gasoline containing MTBE in conscious disregard of the known risks of injury to health and property. Defendants acted with willful and conscious disregard of the probable dangerous consequences of that conduct and its foreseeable impact upon the Commonwealth. Therefore, the Commonwealth requests an award of exemplary damages, to the extent available to the Commonwealth and not prohibited by law, in an amount sufficient to punish Defendants, Chevron, CITGO, ConocoPhillips, Lyondell, Shell, Sunoco, and Texaco. After the completion of additional investigation and discovery, the Commonwealth may seek leave of court to amend this Complaint to

allege a claim for exemplary damages, to the extent available to the Commonwealth and not prohibited by law, against additional Defendants if warranted by the facts.

COUNT V
(Puerto Rico Public Policy Environmental Act, Water Pollution Control Act, and
Underground Storage Tank Control Regulations)

119. The Commonwealth re-alleges paragraphs 1 through 118 above, and by this reference incorporates them as though set forth in full.

120. The Defendants are each “person[s]” as defined by 24 L.P.R.A. § 591(d).

121. The activities of Defendants, and each of them, alleged herein has resulted in the “pollution” of “waters” of the Commonwealth as defined by 24 L.P.R.A. § 591(i) and § 591(e), respectively.

122. The MTBE and petroleum discharged to waters of the Commonwealth by the Defendants are “other” types of pollution as that term is defined by 24 L.P.R.A. § 591(h).

123. The Defendants’ activities, individually and collectively, have directly or indirectly, caused the discharge or permitted the discharge of MTBE into the waters of the Commonwealth polluting said waters in such manner as to place them out of the minimum standards of purity set forth in the Commonwealth’s regulations promulgated pursuant to 24 L.P.R.A. § 599 in violation of 24 L.P.R.A. § 595 and 12 L.P.R.A. § 1131(13)(A)(i).

124. Each Defendant directly or indirectly, caused the discharge or permitted the discharge of MTBE into the waters of the Commonwealth and/or onto the land where

MTBE has seeped or will ultimately seep into the waters of the Commonwealth, polluting said waters.

125. Violations of 24 L.P.R.A. § 595 and the regulations promulgated under 24 L.P.R.A. § 599 constitute violations of The Public Policy Environmental Act, Title II, Act No. 9, 12 L.P.R.A. §1121 *et seq.* See 12 L.P.R.A. § 1132(b).

126. The Defendants' unlawful discharges of MTBE into the waters of the Commonwealth caused damages to the environment and natural resources of the Commonwealth including but not limited to the ground waters, including Class SG1 ground waters, which are subject to very stringent criteria pursuant to the Puerto Rico Water Quality Standards set forth in EQB Regulation 6616, which constitutes an EPA-approved Water Quality Standard pursuant to 40 C.F.R. § 131.21 under the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.*

127. Pursuant to § 3.2.6(B)(7) of EQB Regulation 6616, the taste and odor of Class SG1 waters shall not be altered except by natural means. Any discharge of MTBE into such waters violates this requirement due to MTBE's putrid smell and foul taste. Accordingly, Defendants have violated this requirement.

128. The Defendants' unlawful releases of regulated substances, containing MTBE, from underground storage tank system[s] into the waters of the Commonwealth violate Rule 1102(A) and (B) of the Puerto Rico Underground Storage Tank Control regulations, set forth in EQB Regulation 4362.

129. Defendants' installation, operation, and/or closure of underground storage tank systems without taking all practicable measures to control releases or spills violate

Rule 1102(D) of the Puerto Rico Underground Storage Tank Control regulations, set forth in EQB Regulation 4362.

130. Plaintiff EQB is empowered to and does seek the total value of the damages caused to the environment and natural resources of the Commonwealth caused by the Defendants' unlawful discharges of MTBE. 12 L.P.R.A. § 1131(29) and § 1136(b).

131. Because the Defendants' activities, individually and collectively, have directly or indirectly, caused the discharge or permitted the discharge of MTBE into waters of the Commonwealth, the Defendants are liable for the total value of the damages caused to the environment and natural resources of the Commonwealth including the reasonable cost to restore and rehabilitate the environment and damaged natural resources along with the reasonable assessment costs, fees, and expenses the Commonwealth has incurred and will incur to assess, mitigate, restore, or replace any natural resources damaged or destroyed by the discharge of MTBE. 12 L.P.R.A. § 1131(29) and § 1136(b).

COUNT VI
(Comprehensive Environmental Response, Compensation, and Liability Act)

132. The Commonwealth re-alleges paragraphs 1 through 131 above, and by this reference incorporates them as though set forth in full.

133. The Commonwealth is a "State" as defined by CERCLA § 101(27), 42 U.S.C. § 9601(27).

134. There have been releases or threatened releases, as defined under CERCLA § 101(22), 42 U.S.C. § 9601(22), of MTBE, which is a "hazardous substance," as defined under CERCLA § 101(14), 42 U.S.C. § 9601(14), at or from facilities within the Commonwealth.

135. Each of the Defendants is a “person” as defined by CERCLA § 101(21), 42 U.S.C. § 9601(21).

136. Each of the Defendants is a liable person within the meaning of CERCLA § 107(a)(1)-(3), 42 U.S.C. § 9607(a)(1)-(3).

137. Pursuant to CERCLA § 107(a)(4)(A), 42 U.S.C. § 9607(a)(4)(A), the Defendants are jointly and severally liable to the Commonwealth for all costs of removal or remedial action incurred by the Commonwealth not inconsistent with the national contingency plan to address releases or threatened releases of MTBE at or from facilities within the Commonwealth.

138. Pursuant to CERCLA § 107(a)(4)(C), 42 U.S.C. § 9607(a)(4)(C), and CERCLA § 107(f), 42 U.S.C. § 9607(f), the Defendants are jointly and severally liable to the Commonwealth for damages for injury to, destruction of, and/or loss of natural resources resulting from the releases or threatened releases of MTBE at or from facilities within the Commonwealth.

139. “Natural resources,” within the meaning of CERCLA § 101(16), 42 U.S.C. § 9601(16), located within the Commonwealth and belonging to, managed by, controlled by, or appertaining to the Commonwealth, have been injured, destroyed, or lost as a result of the releases or threatened releases of MTBE at or from facilities within the Commonwealth.

140. The Commonwealth is entitled to recover its reasonable costs in assessing the injury to, destruction of, or loss of natural resources resulting from the releases or threatened releases of MTBE at or from facilities within the Commonwealth.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff, the Commonwealth of Puerto Rico, in both its *parens patriae* capacity and through the Environmental Quality Board, comes before this Court, and respectfully requests this Court to:

A. Declare that Defendants are jointly and severally liable for the full costs of all investigatory, remedial, removal, and other actions necessary to detect, delineate, abate, remove and remediate MTBE in the waters of the Commonwealth and to restore such waters to their original condition, and for such orders as may be necessary to provide full relief to address risks to the Commonwealth;

B. Order Defendants to pay compensatory damages in an amount at least equal to the full cost of restoring the waters of the Commonwealth to their original condition prior to the contamination of such waters with MTBE, including but not limited to, the costs of:

(1) Testing soils around all underground storage tanks suspected of leaking MTBE or MTBE-containing substances;

(2) testing all public and private drinking water supplies for the presence of MTBE;

(3) treatment of all water supplies containing detectable levels of MTBE until restored to non-detectable levels and provision of alternate water supplies, where appropriate; and

(4) present and future monitoring of surface and ground waters to detect the presence of MTBE;

- C. Order Defendants to pay all other damages sustained by the Commonwealth as a direct and proximate result of defendant's acts and omissions alleged herein, according to proof, including but not limited to remedial, administrative, oversight and legal expenses and compensation for damage to waters of the Commonwealth;
- D. Order Defendants to pay Damages to compensate the Commonwealth for injuries to the natural resources of the Commonwealth, including lost use, lost value, and existence value of natural resources harmed by releases of MTBE;
- E. Issue an Order declaring that the Owner/Operator Defendants' gasoline delivery systems and/or refineries constitute a nuisance in the manner they are maintained and operated, and compelling them to abate that nuisance;
- F. Issue an Order compelling Defendants and each of them to abate the public nuisance proximately caused by their conduct as alleged herein;
- G. Grant all appropriate injunctive relief to investigate, abate and/or mitigate the MTBE contamination of waters of the Commonwealth;
- H. Order defendants Chevron U.S.A. Inc., ChevronTexaco Corporation, CITGO Refining and Chemical Company, LP, CITGO Petroleum Corporation, ConocoPhillips Company, Lyondell Chemical Company, Shell Oil Company, Sunoco, Inc., Sunoco, Inc. (R&M), and Texaco

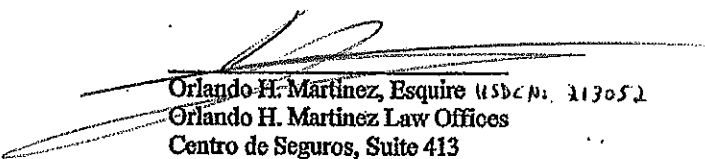
Refining and Marketing Inc. to pay exemplary damages, to the extent available to the Commonwealth and not prohibited by law, in an amount sufficient to punish defendants Chevron U.S.A. Inc., ChevronTexaco Corporation, CITGO Refining and Chemical Company, LP, CITGO Petroleum Corporation, ConocoPhillips Company, Lyondell Chemical Company, Shell Oil Company, Sunoco, Inc., Sunoco, Inc. (R&M), and Texaco Refining and Marketing Inc. and to deter those defendants from ever committing the same or similar acts;


- I. Order Defendants to pay all costs and reasonable attorneys' fees incurred in prosecuting this action, together with prejudgment interest, to the full extent permitted by law;
- J. For such and other further relief as the court may deem just and proper.


PLAINTIFF IS ENTITLED TO A TRIAL BY A JURY AND HEREBY DEMANDS A TRIAL BY A JURY.

Dated: June 12, 2007

Roberto Sanchez Ramos, Esquire
Secretary of Justice
Commonwealth of Puerto Rico


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Brickman, L.L.C.
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Mt. Pleasant, SC 29465

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

COMMONWEALTH OF PUERTO RICO and COMMONWEALTH OF PUERTO RICO through the ENVIRONMENTAL QUALITY BOARD

(b) County of Residence of First Listed Plaintiff Puerto Rico
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, Puerto Rico 00907

Telephone (787) 722-2578

DEFENDANTS

SHELL OIL COMPANY, SHELL COMPANY PUERTO RICO, LTD., SHELL CHEMICAL, YABUCCA, INC., SHELL TRADING (US) COMPANY, MOTIVA ENTERPRISES, LLC, EQUILON ENTERPRISES, LLC, CHEVRON TEXACO CORPORATION, CHEVRON U.S.A., INC., CHEVRON PUERTO RICO, LLC, TEXACO PUERTO RICO, INC., CHEVRON PHILLIPS CHEMICAL, PUERTO RICO CORE, CHEVRON INTERNATIONAL OIL COMPANY, INC., TEXACO REFINING AND MARKETING, INC., CHEVRON CARIBBEAN, INC., CHEVRON ESTRELLA PUERTO RICO INC, SUNOCO, INC., SUNOCO INC. (P.R.), PUERTO RICO SUN OIL COMPANY, LLC, CONOCOPHILLIPS COMPANY, CITGO REFINING AND CHEMICAL COMPANY, LP, CITGO INTERNATIONAL P.R., CITGO PETROLEUM CORPORATION, TOTAL PETROLEUM PUERTO RICO CORPORATION, TOTAL OIL INC., LYONDELL CHEMICAL COMPANY

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 9601, et. seq.

Brief description of cause:
Causes of actions for damages and injunctive relief related to discharges of Methyl Tertiary Butyl Ether to the environment of the Commonwealth.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE June 12, 2007

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



United States District Court *for the* District of Puerto Rico

CURRENT ADDRESS NOTICE

PLEASE, INCLUDE THIS NOTICE WITH THE FILING OF YOUR CIVIL COVER SHEET AND COMPLAINT. YOU HAVE AN ONGOING RESPONSIBILITY TO KEEP THE COURT INFORMED OF YOUR CURRENT ADDRESS.

NOTICES MAY NOT BE RECEIVED IF YOU DO NOT COMPLY WITH THIS REQUEST.

NAME OF ATTORNEY (Last Name, First Name, Initial)		Orlando H. Martinez Echeverria
OFFICE ADDRESS Centro de Seguros Suite 413 701 Ponce de Leon Ave. San Juan, PR 00907		
TELEPHONE NO.	(787) 722-2378	FAX NO. (787) 724-0353
MAILING ADDRESS Same.		
USDC NO. 213052		

Law Firm: Orlando H. Martinez Law Offices

Primary Email: omartinez@martinezlaw.org

Additional Email: omartinez@yahoo.com



United States District Court *for the* District of Puerto Rico

CATEGORY SHEET

1. Title of Case (Name of first party on each side only)
Commonwealth of Puerto Rico v. Shell Oil Company
2. Category in which case belongs: (See Local Rules)

<u> X </u>	ORDINARY CIVIL CASE
<u> </u>	SOCIAL SECURITY
<u> </u>	BANK CASE
<u> </u>	INJUNCTION
3. Title and number, if any, of related cases (See Local Rules)

4. Has a prior action between the same parties and based on the same claim ever been filed in this Court?
☐ YES ☒ NO
5. Is this case required to be heard and determined by a District Court of three judges pursuant to Rule 28 U.S.C. 2284?
☐ YES ☒ NO
6. Does this case question the constitutionality of a state statute (FRCP 24)?
☐ YES ☐ NO

(Please Print)

USDC ATTORNEY'S ID NO. 213052

ATTORNEY'S NAME: Orlando H. Martinez Echeverria

MAILING ADDRESS: Centro de Seguros, Suite 413, 701 Ponce

de Leon Ave., San Juan ZIP CODE 00907

TELEPHONE NO. PR (787) 722-2378

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO
RICO and COMMONWEALTH OF
PUERTO through the
ENVIRONMENTAL QUALITY
BOARD,

Plaintiffs,

v.

SHELL OIL COMPANY, SHELL
COMPANY PUERTO RICO LTD.,
SHELL CHEMICAL YABUCOA, INC.,
SHELL TRADING (US) COMPANY,
MOTIVA ENTREPRISES, LLC,
EQUILON ENTERPRISES, LLC,
CHEVRONTExACO
CORPORATION, CHEVRON, U.S.A.,
INC., CHEVRON PUERTO RICO,
LLC, TEXACO PUERTO RICO,
INC., CHEVRON PHILLIPS
CHEMICAL PUERTO RICO CORE,
CHEVRON INTERNATIONAL
OIL COMPANY, INC.,
TEXACO REFINING AND
MARKETING, INC., CHEVRON
CARIBBEAN, INC., CHEVRON
ESTRELLA PUERTO RICO, INC.,
SUNOCO, INC., SUNOCO INC. (R&M),
PUERTO RICO SUN OIL COMPANY,
LLC, CONOCOPHILLIPS COMPANY,
CITGO REFINING AND CHEMICAL
COMPANY, LP, CITGO
INTERNATIONAL P.R., CITGO
PETROLEUM CORPORATION,
TOTAL PETROLEUM PUERTO RICO
CORPORATION, TOTAL OIL INC.,
LYONDELL CHEMICAL COMPANY,

Defendants.

COMPLAINT

Case No. 07-1505 (ccc)

RECEIVED & FILED
JUL 12 AM 4:28
U.S. DISTRICT COURT
SAN JUAN, P.R.

APPLICATION AND ORDER FOR ADMISSION PRO HAC VICE

Comes now, Gordon C. Rhea, applicant herein and respectfully states:

1. Applicant is an attorney and a member of the law firm of Richardson, Patrick, Westbrook, & Brickman, L.L.C. with offices at:

Address:	1037 Chuck Dawley Blvd., Bldg. A
	Mt. Pleasant, SC 29464
Email:	grhea@rpwb.com
Telephone No.:	843-727-6656
Fax No.:	843-216-6509

2. Applicant will sign all pleadings with the name Gordon C. Rhea.

3. Applicant has been retained personally or as a member of the above-named firm by The Commonwealth of Puerto Rico to provide legal representation in connection with the above-styled matter now pending before the United States District Court for the District of Puerto Rico.

4. Since March 11, 1983, applicant has been and presently is a member in good standing with the bar of the highest court of the Virgin Islands district of St. Croix, where applicant regularly practices law. Applicant's bar license number is 220.

5. Applicant has been admitted to practice before the following courts:

<u>Court:</u>	<u>Admission Date:</u>
Superior Court of the United States Virgin Islands	March, 1983
U. S. District Court of the United States Virgin Islands	
Third Circuit Court of Appeals	November, 1984
District of Columbia Court of Appeals	February, 1976

United States District Court of the District of Columbia

Supreme Court of California

December, 1974

United States District Court for the
Central District of California

December, 1974

Ninth Circuit Court of Appeals

March, 1975

Supreme Court of the United States

July 14, 1980

6. Applicant is a member in good standing of the bars of the courts listed in paragraph 5.

7. Applicant is not currently suspended from the practice of law before any court or jurisdiction.

8. Applicant is not currently the subject of any complaint for unethical conduct, disciplinary proceeding or criminal charges before any court or jurisdiction.

9. Applicant has not previously filed for pro hac vice admission in the United States District Court for the District of Puerto Rico.

10. Local Counsel of record associated with applicant in this matter is:

Name: Orlando Martinez

USDC-PR Bar No. 213052

Address: Centro de Seguros, Suite 413

701 Ponce de Leon Avenue

San Juan, Puerto Rico 00907

Email: omartinez@martinezlaw.com

Telephone No.: (787) 722-2378

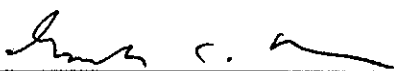
Fax No.: (787) 724-0353

11. Applicant has read the local rules of the court and will comply with same.

12. Applicant has read Local Rules of the United States District Court for the District of Puerto Rico which provide in part that attorneys appearing pro hac vice must comply with the provisions set forth therein and pay an admission fee of \$150.00 per appearance in each new case before the court. Accordingly, payment of the pro hac vice admission fee is attached hereto in the form of a check or money order payable to: "Clerk, U.S. District Court."

WHEREFORE, applicant respectfully requests to be admitted to practice in the United States District Court for the District of Puerto Rico for the above-styled case only.

Date: May 4, 2007



Gordon C. Rhea


Gordon C. Rhea

I HEREBY CERTIFY, pursuant to Local Rule 83.1(f), that I consent to the designation of local counsel of record for all purposes.


Date:

June 12, 2007

Orlando H. Martinez Echeverri
Printed Name


Orlando Martinez

I HEREBY CERTIFY that I have served a true and correct copy of this document upon each attorney of record and the original upon the Clerk of the Court accompanied by a \$150.00 pro hac vice admission fee.


Gordon C. Rhea

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO
RICO and COMMONWEALTH OF
PUERTO through the
ENVIRONMENTAL QUALITY
BOARD,

Plaintiffs,

v.

SHELL OIL COMPANY, SHELL
COMPANY PUERTO RICO LTD.,
SHELL CHEMICAL YABUCOA, INC.,
SHELL TRADING (US) COMPANY,
MOTIVA ENTREPRISES, LLC,
EQUILON ENTERPRISES, LLC,
CHEVRONTXACO
CORPORATION, CHEVRON, U.S.A.,
INC., CHEVRON PUERTO RICO,
LLC, TEXACO PUERTO RICO,
INC., CHEVRON PHILLIPS
CHEMICAL PUERTO RICO CORE,
CHEVRON INTERNATIONAL
OIL COMPANY, INC.,
TEXACO REFINING AND
MARKETING, INC., CHEVRON
CARIBEAN, INC., CHEVRON
ESTRELLA PUERTO RICO, INC.,
SUNOCO, INC., SUNOCO INC. (R&M),
PUERTO RICO SUN OIL COMPANY,
LLC, CONOCOPHILLIPS COMPANY,
CITGO REFINING AND CHEMICAL
COMPANY, LP, CITGO
INTERNATIONAL P.R., CITGO
PETROLEUM CORPORATION,
TOTAL PETROLEUM PUERTO RICO
CORPORATION, TOTAL OIL INC.,
LYONDELL CHEMICAL COMPANY,

Defendants.

COMPLAINT

RECEIVED & FILED
2007 JUN 12 PM 4:29
CLERK'S OFFICE
DISTRICT COURT
SAN JUAN, P.R.

Case No. 07-1505 (ccc)

APPLICATION AND ORDER FOR ADMISSION PRO HAC VICE

Comes now, John K. Dema, applicant herein and respectfully states:

1. Applicant is an attorney and a member of the law firm of John K. Dema, P.C. with offices at:

Address:	1236 Strand Street, Suite 103 Christiansted, VI 00820
	11300 Rockville Pike, Suite 112 Rockville, MD 20852
Email:	jdema@lojkd.com
Telephone No.:	(340) 773-6142
Fax No.:	(340) 773-3944

2. Applicant will sign all pleadings with the name John K. Dema.
3. Applicant has been retained personally or as a member of the above-named firm by The Commonwealth of Puerto Rico to provide legal representation in connection with the above-styled matter now pending before the United States District Court for the District of Puerto Rico.
4. Since December 12, 1973, applicant has been and presently is a member in good standing with the bar of the highest court of the Virgin Islands district of St. Croix, where applicant regularly practices law. Applicant's bar license number is 357.

5. Applicant has been admitted to practice before the following courts:

<u>Court:</u>	<u>Admission Date:</u>
U.S. District Court for the District of the Virgin Islands	January, 1973
U.S. Court of Appeals for the 3d Circuit	January, 1973

U.S. District Court for the District
of Columbia

June, 1972

U.S. District Court for the District
of Puerto Rico

May, 2004

6. Applicant is a member in good standing of the bars of the courts listed in paragraph 5.

7. Applicant is not currently suspended from the practice of law before any court or jurisdiction.

8. Applicant is not currently the subject of any complaint for unethical conduct, disciplinary proceeding or criminal charges before any court or jurisdiction.

9. Applicant has not previously filed for pro hac vice admission in the United States District Court for the District of Puerto Rico.

10. Local Counsel of record associated with applicant in this matter is:

Name: Orlando Martinez

USDC-PR Bar No. 213052

Address: Centro de Seguros, Suite 413

701 Ponce de Leon Avenue

San Juan, Puerto Rico 00907

Email: omartinez@martinezlaw.com

Telephone No.: (787) 722-2378

Fax No.: (787) 724-0353

11. Applicant has read the local rules of the court and will comply with same.

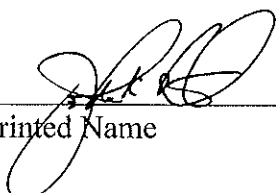
12. Applicant has read Local Rules of the United States District Court for the District of Puerto which provide in part that attorneys appearing pro hac vice must

comply with the provisions set forth therein and pay an admission fee of \$150.00 per appearance in each new case before the court. Accordingly, payment of the pro hac vice admission fee is attached hereto in the form of a check or money order payable to:

"Clerk, U.S. District Court."

WHEREFORE, applicant respectfully requests to be admitted to practice in the United States District Court for the District of Puerto Rico for the above-styled case only.

Date: June 11, 2007



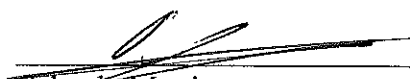
Printed Name
John K. Dema
John K. Dema

I HEREBY CERTIFY, pursuant to Local Rule 83.1(f), that I consent to the designation of local counsel of record for all purposes.

Date: June 12, 2007

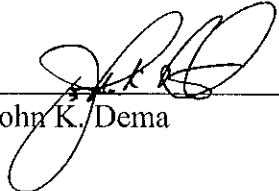
Orlando H. Martinez Echeverri

Printed Name



Orlando Martinez

I HEREBY CERTIFY that I have served a true and correct copy of this document upon each attorney of record and the original upon the Clerk of the Court accompanied by a \$150.00 pro hac vice admission fee.



John K. Dema

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO**

COMMONWEALTH OF PUERTO RICO and COMMONWEALTH OF PUERTO RICO through the ENVIRONMENTAL QUALITY BOARD.

Plaintiff,

**FIRST AMENDED
COMPLAINT**

V.

SHELL OIL COMPANY;
SHELL COMPANY PUERTO RICO LTD.;
SHELL CHEMICAL YABUCOA, INC.;
SHELL TRADING (US) COMPANY;
MOTIVA ENTREPRISES, LLC;
EQUILON ENTERPRISES, LLC;
CHEVRON CORPORATION;
CHEVRON, U.S.A., INC.;
CHEVRON PUERTO RICO, LLC;
TEXACO PUERTO RICO, INC.;
CHEVRON PHILLIPS;
CHEMICAL PUERTO RICO CORE, INC.;
TEXACO PETROLEUM, INC.;
CHEVRON INTERNATIONAL
OIL COMPANY, INC.;
TEXACO REFINING AND
MARKETING, INC.;
CHEVRON CARIBBEAN, INC.;
CHEVRON ESTRELLA PUERTO RICO, INC.;
ESSO STANDARD OIL COMPANY
(PUERTO RICO);
EXXONMOBIL CORPORATION;
HOVENSA L.L.C.;
HESS OIL VIRGIN ISLANDS
CORPORATION;
SUNOCO, INC.;
SUNOCO INC. (R&M);
PUERTO RICO SUN OIL COMPANY, LLC;
CONOCOPHILLIPS COMPANY;
CITGO REFINING AND CHEMICAL
COMPANY, LP;
CITGO INTERNATIONAL P.R.;
CITGO PETROLEUM CORPORATION;
TOTAL PETROLEUM PUERTO RICO
CORPORATION;
TOTAL OIL INC.;
LYONDELL CHEMICAL COMPANY;

District Court

Case No. 07-1505 (ccc)

and DOES 1-99;

Defendants.

FIRST AMENDED COMPLAINT

COMES NOW Plaintiff, the Commonwealth of Puerto Rico and the Commonwealth of Puerto Rico through the Puerto Rico Environmental Quality Board (collectively referred to as “the Commonwealth” or “Plaintiff”), a sovereign entity that manages, controls, holds in trust, and owns the water resources within its boundaries on behalf of the public as trustee over the Commonwealth’s water resources and quasi-sovereign interests, by and through its undersigned counsel, and brings this civil action against the above-named defendants (collectively hereinafter referred to as the “Defendants”) and alleges as follows:

JURISDICTION AND VENUE

1. Jurisdiction of this Court over this action is based upon 28 U.S.C. § 1331; 15 U.S.C. § 2619(a); 42 U.S.C. § 6972(a); and 42 U.S.C. § 9613(b).
2. This Court has supplemental jurisdiction over this action pursuant to 28 U.S.C. § 1367.
3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b), 28 U.S.C. § 1395(a), and 42 U.S.C. § 9613(b).

SUMMARY OF THE CASE

4. The waters of the Commonwealth, whether surface or ground waters, constitute limited, precious and invaluable public resources that are owned and held in trust for the citizens of the Commonwealth and for which the Commonwealth has the authority and responsibility to protect for present and future generations.

5. Defendants' use of methyl tertiary butyl ether and its natural degradation byproducts, including tertiary butyl alcohol (collectively referred to herein as "MTBE") in gasoline has created an unparalleled threat to both the surface and ground waters of the Commonwealth, including public and private drinking water supplies. Unlike other gasoline constituents, MTBE has unique characteristics that cause extensive environmental contamination. MTBE contaminates and spreads in water resources quickly and is difficult to remove and treat, consequently presenting a grave threat to waters throughout the Commonwealth. MTBE has already contaminated water resources of the Commonwealth and threatens to contaminate many more, as a result of the normal and foreseeable storage, purchase and use of gasoline within the Commonwealth.

6. MTBE can cause significant adverse health effects and, even at very low concentrations, can render drinking water unfit for human consumption due to the fact that MTBE has a very strong odor and taste.

7. The Defendants in this action are all corporate members of the petroleum and chemical industries. As described below, Defendants include refiners of gasoline containing MTBE; manufacturers and promoters of MTBE; suppliers of gasoline containing MTBE; and owners and operators of facilities that have released MTBE into the waters of the Commonwealth.

8. In addition to producing and/or supplying MTBE or gasoline containing MTBE within the Commonwealth, Defendants knowingly and willfully promoted,

marketed and sold MTBE and petroleum products containing MTBE, when they knew or reasonably should have known that MTBE would be released into the environment and pollute the waters of the Commonwealth, would interfere with the Commonwealth's interest in protecting and preserving the Commonwealth's waters, and would threaten public health and welfare and the environment, as has occurred and is continuing to occur within the Commonwealth.

PLAINTIFF

9. Plaintiff, the Government of the Commonwealth of Puerto Rico and the Commonwealth of Puerto Rico through the Environmental Quality Board, is a sovereign entity that manages, controls, holds in trust, and owns the water resources within its boundaries. It owns and holds such resources in trust for the benefit of all of its citizens. The Commonwealth brings this action as a trustee and owner of waters within the Commonwealth and pursuant to its police powers, which include, but are not limited to, the power to prevent pollution of the waters of the Commonwealth, prevent public nuisances, and to prevent potential hazards to the public health, welfare, and environment.

10. Plaintiff has standing to sue because it has a property interest in the waters of the Commonwealth as well as a quasi-sovereign interest in protecting such waters from contamination. The contamination of the waters of the Commonwealth by MTBE constitutes an injury to the waters of the Commonwealth, property owned by the Commonwealth and held in public trust by the Commonwealth for the People of Puerto Rico. The Commonwealth seeks damages in its *parens patriae* capacity for the contamination of such waters.

11. It is the public policy of the Commonwealth to maintain the purity of the waters of Puerto Rico required for the welfare, safety, and development of the Commonwealth and to insure and protect the water supply that may be needed by present

and future generations. To achieve this purpose, the laws of the Commonwealth have deemed all waters and bodies of water of Puerto Rico to be the property and wealth of the People of Puerto Rico. *See* 12 L.P.R.A. §§ 1115a, 1115c. It is the duty of the Commonwealth Government to administer and protect this patrimony in the name and on behalf of the Puerto Rican people.

12. The Commonwealth, through the Environmental Quality Board, has standing to enforce the Commonwealth's environmental regulations and statutes through The Public Policy Environmental Act, Title II, Act No. 9, 12 L.P.R.A. §1121 *et seq.*

13. The Secretary of Justice may, when in his judgment the interests of the Commonwealth require it, institute and conduct proceedings against persons who intrude on the lands, rights, or property of the Commonwealth, or commit or erect any nuisance thereon.

DEFENDANTS

14. The Defendants in this action are all corporate members of the petroleum industry. As described below, Defendants include refiners of gasoline containing MTBE that contaminates waters of the Commonwealth; manufacturers and promoters of MTBE; suppliers of gasoline containing MTBE that contaminates waters of the Commonwealth; and owners and/or operators of gasoline facilities that have released MTBE that contaminates waters of the Commonwealth.

15. Any and all references to Defendant, Defendants, or a particular Defendant by name in this Complaint include all predecessors, successors, parents, subsidiaries, affiliates, divisions, and agents of the named Defendants.

16. When the term "Defendants" is used alone, it refers to all Defendants named herein jointly and severally.

17. When reference in this complaint is made to any act or omission of the Defendants, it shall be deemed to mean that the officers, directors, agents, employees, or representatives of the Defendants committed or authorized such act or omission, or failed to adequately supervise or properly control or direct their employees while engaged in the management, direction, operation or control of the affairs of Defendants, and did so while acting within the scope of their employment or agency.

A. Refiner/Supplier Defendants

18. Upon information and belief, the following Defendants, at all times relevant to this action, refined, marketed and/or otherwise supplied (directly or indirectly) gasoline and/or other products containing MTBE that each such Defendant knew or should have known would be delivered into the Commonwealth. The following Defendants and Does 1 through 99 are collectively referred to as the “Refiner/Supplier Defendants.”

19. Chevron Corporation (“Chevron Corp.”) is a Delaware corporation with its principal place of business at 6001 Bollinger Canyon Road, San Ramon, California. Defendant Chevron Corp. is the successor-in-interest to ChevronTexaco Corporation and successor-in-interest to Texaco, Inc. Upon information and belief, the Commonwealth further alleges that Chevron Corp. owns and/or controls defendant Chevron U.S.A., Inc.

20. Chevron Puerto Rico LLC (“Chevron PR”) is an affiliate of Chevron Global Energy, Inc., which is also known as Chevron Texaco Products Company, a Delaware limited liability company, with its principal place of business at 6001 Bollinger Canyon Rd., Room 5378, San Ramon, CA. Chevron PR’s principal place of business is located at the Texaco Plaza Building, Suite 400, Metro Office Park, Guaynabo, Puerto Rico. Upon information and belief, the Commonwealth alleges that Chevron PR was

formerly known as Texaco Puerto Rico LLC, which was formerly known as Texas Company (Puerto Rico) Inc.

21. Texaco Puerto Rico, Inc. (“Texaco PR”) is a Puerto Rico corporation with its principal place of business located at Texaco Plaza Metro Office Park, Street 1 #2, 4th Floor, Suite 400, Guaynabo, Puerto Rico.

22. Chevron Phillips Chemical Puerto Rico Core, Inc. (“Chevron Phillips”), upon information and belief formally known as Phillips Puerto Rico Core Inc., is a Delaware corporation with its principal place of business in Puerto Rico located at Carr 710 KM 1.3, Guayama, Puerto Rico. Chevron Phillips is a subsidiary of Chevron Phillips Chemical LLC.

23. Texaco Petroleum, Inc. (“Texaco Petroleum”) is a Delaware Corporation with its principal place of business in Puerto Rico at Street 1, #2 Metro Office Park, Guayanabo, Puerto Rico.

24. Chevron International Oil Company, Inc. (“Chevron International”) is a Delaware corporation with its principal place of business in Puerto Rico at Almacenes Del Castillo, Zona Libre, San Juan, Puerto Rico.

25. Chevron U.S.A., Inc. (“Chevron U.S.A.”) is a Pennsylvania corporation with its principal place of business at 6001 Bollinger Road, San Ramon, California. Chevron U.S.A. acquired Gulf Oil Corporation (“Gulf Oil”) through merger in 1984 and is the successor in interest to Gulf Oil.

26. The term “Chevron” as used in this Complaint refers to Chevron Corp. and Chevron U.S.A.

27. Texaco Refining and Marketing, Inc. (“Texaco”) is a Delaware corporation with its principal place of business in Houston, Texas.

28. CITGO Refining and Chemical Company, LP (“CITGO Refining”), a subsidiary of CITGO Investment Company, is an Oklahoma limited partnership with its principal place of business at 6100 South Yale Avenue, Tulsa, Oklahoma.

29. CITGO International P.R. (“CITGO International”), also known as CITGO Puerto Rico Petroleum Corporation is a Delaware corporation with its principal place of business at 6100 South Yale Avenue, Tulsa, Oklahoma.

30. CITGO Petroleum Corporation (“CITGO Petroleum”) is a Delaware corporation with its principal place of business at 6100 South Yale Avenue, Tulsa, Oklahoma.

31. The term “CITGO” as used in this Complaint refers to CITGO Petroleum and/or CITGO Refining.

32. ConocoPhillips Company (“ConocoPhillips”) is a Delaware corporation with its principal place of business at 600 North Dairy Ashford, Houston, Texas. On information and belief, the Commonwealth alleges that ConocoPhillips was formed as the result of a merger in 2002 of Conoco, Inc. and Phillips Petroleum Company. On information and belief, the Commonwealth further alleges that ConocoPhillips is the successor corporation to Conoco, Inc. and Phillips Petroleum Company. The Commonwealth is further informed and believes that ConocoPhillips is the successor corporation to Tosco Corporation, including its subsidiary Tosco Refining LP, which was acquired by Phillips Petroleum Company in 2001.

33. Esso Standard Oil Company (Puerto Rico) (“ESSORICO”) is a Commonwealth of Puerto Rico corporation with its principal place of business at San Patricio Avenue, Parkside Corner #1, Guaynabo, Puerto Rico. ESSORICO is wholly owned by defendant ExxonMobil Corporation.

34. ExxonMobil Corporation (“ExxonMobil Corp.”) is a New Jersey corporation with its principal place of business at 5959 Las Colinas Boulevard, Irving, Texas. Defendant ExxonMobil was formed as a result of a merger in 1999 of Mobil Oil Corporation and Exxon Corporation.

35. HOVENSA L.L.C. (“HOVENSA”) is a limited liability company organized and existing under the laws of the United States Virgin Islands with its principal place of business located at 1 Estate Hope, Christiansted, St. Croix, United States Virgin Islands.

36. Hess Oil Virgin Islands Corporation (“HOVIC”), a wholly-owned subsidiary of Hess Corporation, is a corporation organized and existing under the laws of the United States Virgin Islands with its principal place of business located at 1185 Avenue of the Americas, New York, NY. Defendants HOVENSA and HOVIC are collectively referred to in this Complaint as “Hess.”

37. Shell Oil Company (“Shell Oil”) is a Delaware corporation with its principal place of business at One Shell Plaza, 910 Louisiana Street, Houston, Texas.

38. Shell Company Puerto Rico Ltd. (“Shell Company PR”) is a Puerto Rico corporation with its principal place of business in San Juan, Puerto Rico.

39. Shell Chemical Yabucoa, Inc. (“Shell Chemical Yabucoa”) is a Puerto Rico corporation with its principal place of business located at Road 901, KM 2.7, Yabucoa, Puerto Rico.

40. Shell Trading (US) Company (“Shell Trading”) is a Delaware corporation with its principal place of business in Houston, Texas and its principal place of business in Puerto Rico at 361 San Francisco Street, Penthouse, Old San Juan, Puerto Rico.

41. Motiva Enterprises, LLC (“Motiva”) is a Delaware limited liability company with its principal place of business at 1100 Louisiana Street, Suite 1000, Houston, Texas. Upon information and belief, the Commonwealth alleges that Motiva is a successor in interest to certain entities related to defendant Shell Oil Company and defendant Texaco Refining and Marketing, Inc., and is owned and/or controlled by Defendant Shell Oil. Upon information and belief, the Commonwealth alleges that Motiva was formerly known as Star Enterprises LLC.

42. Equilon Enterprises, LLC (“Equilon”), d/b/a Shell Oil Products US, is a Delaware limited liability company with its principal place of business at 1100 Louisiana Street, Suite 2200, Houston, Texas.

43. The term “Shell” as used herein refers to Shell Oil and Motiva.

44. Sunoco, Inc., formerly known as Sun Oil Company and Sun Company, Inc., is a Pennsylvania corporation with its principal place of business at 1801 Market Street, 27th Floor, Philadelphia, Pennsylvania.

45. Sunoco, Inc. (R&M), formerly known as Sun Refining and Marketing Company and Sun Company Inc. (R&M), is a Pennsylvania corporation with its principal place of business at 1801 Market Street, 27th Floor, Philadelphia, Pennsylvania.

46. Puerto Rico Sun Oil Company LLC is a Delaware corporation with its principal place of business located at Road 901, KM 2.7, Yabucoa, Puerto Rico.

47. The term “Sunoco” as used herein refers to Sunoco Inc. and Sunoco Inc. (R&M).

48. Total Petroleum Puerto Rico Corporation (“Total PR”), successor to Gasolinas de Puerto Rico Corporation, is a Puerto Rico corporation with its principal place of business at Mario Julia Industrial Park, A Street, Suite 11A, Guaynabo, Puerto Rico. Upon information and belief, the Commonwealth alleges that Total PR is a wholly owned subsidiary of Total Outre Mer, S.A. of France.

49. Total Oil, Inc. is a Delaware corporation with its principal place of business at 909 Fannin Street, Suite 2200, Houston, Texas.

B. MTBE Manufacturer/Supplier Defendants

50. Upon information and belief, the following Defendants, at all times relevant to this action, manufactured and supplied MTBE and/or other products containing MTBE that each such Defendant knew or should have known would be delivered into the Commonwealth. The following Defendants and Does 1 through 99 are collectively referred to as the “Manufacturer/Supplier Defendants.”

51. Lyondell Chemical Company, successor in interest to ARCO Chemical Company (collectively, “Lyondell”), is a Delaware corporation with its principal place of business at 1221 McKinney Street, Houston, Texas.

52. In addition to Lyondell, Defendants Chevron U.S.A., Chevron Phillips, CITGO, ConocoPhillips, ExxonMobil, Shell Oil, Sunoco, Inc. (R & M), Hess, Texaco, and Does 1 through 99 manufactured MTBE for use in gasoline.

C. Owner/Operator Defendants

53. Upon information and belief, the following Defendants, at all times relevant to this action, owned and or operated gasoline service stations and/or underground storage tanks that have discharged gasoline containing MTBE. The following Defendants and Does 1 through 99 are collectively referred to as the “Owner/Operator Defendants.”

54. Chevron Caribbean, Inc. (“Chevron Caribbean”) is a Delaware corporation with its principal place of business at Texaco Plaza Building, Suite 400, Metro Office Park, Guaynabo, Puerto Rico. Upon information and belief, the Commonwealth alleges that Chevron Caribbean was formerly known as Texaco Caribbean, Inc.

55. Chevron Estrella Puerto Rico, Inc. (“Chevron Estrella”) is a Puerto Rico corporation, formerly known as Texaco Estrella Puerto Rico, inc., with its principal place of business at the Texaco Plaza Building, Suite 400, Metro Office Park, Guaynabo, Puerto Rico.

56. Defendants Chevron U.S.A., Chevron Phillips, CITGO, ConocoPhillips, Shell, Sunoco, Total PR, and Does 1 through 99 are/were the owners of services stations

and underground storage tanks and/or are the successors to the owners of service stations and underground storage tanks.

D. Does 1-99

57. “Does” 1 through 99 are corporations, partnerships, associations, natural persons or other entities that are not presently known to the Plaintiff, certain of which are corporate successors to, predecessors of, assigns of, or are otherwise related to other Defendants, and as well are manufacturers, refiners, blenders, distributors, suppliers, marketers, and retailers of MTBE. The true names and identities of Does 1 through 99 are not known to the Plaintiff, and therefore the Plaintiff sues said Defendants by fictitious names.

ALLEGATIONS APPLICABLE TO ALL CAUSES OF ACTION

The Contaminant – MTBE

58. Methyl tertiary butyl ether is an additive to gasoline. As used herein, MTBE consists not only of methyl tertiary butyl ether, but also the contaminants in commercial grade MTBE.

59. Tertiary butyl alcohol (“TBA”) is present in some gasoline as an impurity in commercial grade MTBE and a degradation or breakdown product of MTBE.

60. MTBE contaminates the environment through leaks and spills from gasoline delivery systems. Once released to the environment, MTBE has unique characteristics that cause extensive environmental contamination and a corresponding threat to the public health and welfare. In particular, the fate and transport of MTBE in the subsurface differs significantly from that of gasoline constituents that have historically been of environmental and/or toxicological concern, specifically the “BTEX compounds” (benzene, toluene, ethylbenzene, and xylene).

61. Once released into the subsurface, MTBE separates from other gasoline constituents in the presence of moisture. In contrast to the BTEX compounds, MTBE has a strong affinity for water. If MTBE is released into the environment in sufficient quantities, MTBE has the capacity to migrate through the soil, the groundwater, penetrate deeper within the aquifer, and cause persistent contamination that can threaten the potability of drinking water wells. There is a potentially lengthy delay, based on site specific factors, between the time MTBE is released and the time it and its degradation products accumulate in potentially usable ground water in sufficient quantities to contaminate public drinking water resources.

62. MTBE spreads farther and faster than other components of gasoline, resists biodegradation, and is difficult and costly to remove from groundwater and drinking water supplies.

63. No federal or Commonwealth agency has approved MTBE as an additive to drinking water. No federal or Commonwealth agency has approved releasing MTBE to groundwater.

64. Along with its other vile properties, MTBE can render water supplies undrinkable by changing the taste and odor of water into a foul smelling liquid with a turpentine odor and chemical taste unfit for human consumption.

65. MTBE also presents a significant public health threat. Because of MTBE's potential for causing cancer, it is currently classified by the U.S. Environmental Protection Agency ("EPA") as a "possible carcinogen" and an EPA draft risk assessment has recommended reclassifying MTBE as a "probable carcinogen."

66. Because of MTBE's propensity to contaminate vast quantities of water, to date, at least 25 States or Commonwealths have banned or enacted laws that have set a date certain banning the use of MTBE as an additive in gasoline.

Defendants' Promotion of MTBE

67. The Refiner/Supplier and Manufacturer/Supplier Defendants, all of whom have promoted the use of gasoline containing MTBE for its purported environmental benefits, knew or should have known of the grave harm and threat to the public health and welfare represented by the proliferating use of this compound, including (among other things): widespread pollution of groundwater with MTBE, contamination of public drinking water by these compounds, drinking water supplies rendered unfit and unusable for consumption, public health threatened, and increased costs to public water suppliers and their customers.

68. Despite knowing that MTBE pollution was inevitable unless adequate precautions were taken, and despite the availability of reasonable alternatives (including but not limited to adequate warnings), Defendants chose not to warn customers, retailers, regulators or public officials, including the Commonwealth. As production and sales of these compounds and gasoline containing them increased, Defendants failed to take any reasonable, appropriate, and special precautions to store gasoline containing MTBE safely, or to prevent, detect and clean-up spills and leaks of gasoline containing this product. Despite knowing the risk of harm posed by MTBE, Defendants also failed to warn purchasers, the public, regulators, and/or the Commonwealth that without such precautions more and more MTBE would be released into the environment and cause, among other significant adverse effects, long term groundwater contamination, pollution of water supplies, and threats to public health and safety.

69. The Refiner/Supplier Defendants further exacerbated the situation by continuing unreasonable and negligent acts, including providing gasoline containing MTBE to gasoline stations without either providing appropriate warnings or taking other precautions adequate to prevent releases of MTBE to the subsurface, knowing that release

to the environment of this compound would be inevitable because a substantial percentage of those gasoline stations would store such gasoline without taking reasonable, appropriate or special precautions, including placing the gasoline in inadequate and leaking gasoline delivery systems, and failing to take reasonable, appropriate, or special measures to monitor, detect, and respond to releases of MTBE to soil and/or groundwater, and without taking reasonable, appropriate or special precautions to investigate, contain and clean up releases of these compounds.

70. The Refiner/Supplier and Manufacturer/Supplier Defendants took affirmative actions that led to the contamination of the Commonwealth's groundwater resources with MTBE, including but not limited to, making representations to downstream users of MTBE and/or gasoline containing MTBE, as well as to the public and government agencies, that such products were environmentally sound and appropriate for widespread production, distribution, sale and use. Indeed, Defendants represented that gasoline containing MTBE could be handled the same as ordinary gasoline, and required no special measures to protect against or respond to suspected releases to the subsurface.

71. The manufacturers, refiners, and suppliers of MTBE and gasoline containing MTBE had a duty (which they breached) to test MTBE thoroughly to determine its environmental fate and transport characteristics, and potential human health impacts before they sold MTBE and/or gasoline containing MTBE, and had a further duty (which they also breached) to take precautions necessary to assure that gasoline containing MTBE was properly stored and to institute all necessary measures to contain and promptly abate the inevitable spills and leaks. Nonetheless, the Defendants, and each of them, failed adequately to test, store, warn about, or control gasoline containing MTBE, and, among other things, failed to abate groundwater contamination caused by

MTBE, including contamination in and pollution to the Commonwealth's groundwater resources.

72. The Refiner/Supplier and Manufacturer/Supplier Defendants, their agents and employees created, participated in, and/or facilitated the flow of MTBE and/or gasoline containing one or more such compounds into gasoline distribution, storage, and dispensing systems that they knew could not safely contain such products. The widespread problems of leaking gasoline delivery systems were well known to the Defendants prior to the introduction of MTBE. At least as early as the mid-1960's, these Defendants knew, or reasonably should have known, that gasoline delivery systems suffer significant and widespread leaks and failures, and release gasoline products into the environment, including into groundwater.

73. Before introducing MTBE into gasoline delivery systems, the Refiner/Supplier and Manufacturer/Supplier Defendants knew, or reasonably should have known, among other things, that MTBE released into the environment would mix easily with ground water, move great distances, resist biodegradation and/or bioremediation, render drinking water unsafe and/or non-potable, cause significant expenses to remove from public drinking water supplies, and otherwise threaten the public health and welfare. The Defendants knew, or they reasonably should have known, that the gasoline distribution and retail system in the Commonwealth contained leaking gasoline delivery systems. They knew, or they reasonably should have known, that gasoline facilities, including those in the Commonwealth, commonly lacked adequate storage facilities for gasoline containing MTBE, and that the operators of these facilities were unaware of either the special hazards of MTBE or the steps necessary to eliminate or mitigate those hazards.

74. At all times relevant to this action:

- (a) The Manufacturer/Supplier Defendants, and each of them, sold, exchanged, supplied, distributed, delivered and/or otherwise provided MTBE to the Refiner/Supplier Defendants, and each of them, sold, exchanged, supplied, distributed, delivered and/or otherwise provided gasoline containing MTBE to retail gasoline stations and/or other gasoline delivery systems in the Commonwealth. Upon information and belief, the Commonwealth alleges that such sales, exchanges, supplies, distributions, deliveries and/or other provisions of gasoline containing MTBE to such facilities occurred over time, up to and including the present;
- (b) Gasoline containing MTBE was released to the subsurface from retail gasoline facilities owned and/or operated by the Owner/Operator Defendants, and each of them, and from other facilities at dispersed locations in the Commonwealth. Such releases of gasoline containing MTBE have occurred over time, have been discovered or have become discoverable at various times, and are still occurring, all in varying amounts at different locations, impacting various aquifers in various sub-basins within the Commonwealth; and
- (c) MTBE takes time to migrate from release points to locations within the subsurface at which they have an appreciable impact on groundwater resources. MTBE has over time migrated in the subsurface from dispersed release points at or near the surface at retail gasoline facilities in the Commonwealth, causing pollution, contamination, and substantial damage to the Commonwealth's groundwater resources, causing appreciable injury to the Commonwealth.

COUNT I
(Strict Products Liability for Defective Design and
Failure to Warn Against All Defendants)

75. The Commonwealth re-alleges paragraphs 1 through 74 above, and by this reference incorporates them as though set forth in full.

76. The Refiner/Supplier Defendants, and each of them, designed, formulated, manufactured, compounded, refined, provided product information and/or instructions for use, packaged, labeled, promoted, marketed, distributed, transported, exchanged and/or sold gasoline containing MTBE.

77. The Refiner/Supplier and Manufacturer/Supplier Defendants, and each of them, designed, formulated, manufactured, compounded, refined, provided product information and/or instructions for use, packaged, labeled, promoted, marketed, distributed, transported, exchanged and/or sold MTBE, which was intended by said Defendants, and each of them, to be used as a gasoline additive.

78. The Owner/Operator Defendants took delivery of, stored and sold the gasoline containing MTBE which is contaminating and polluting ground water in the Commonwealth.

79. The Refiner/Supplier and Manufacturer/Supplier Defendants, and each of them, represented, asserted, claimed and warranted that gasoline containing MTBE could be used in the same manner as gasoline not containing these compounds, and/or that gasoline containing MTBE did not require any different or special handling or precautions.

80. Defendants, and each of them, knew that said product(s) were to be purchased and used without inspection for defects.

81. MTBE and gasoline containing MTBE are defective products because, among other things:

- (a) The design and manufacture of these products was defective;
- (b) The benefits of using MTBE in gasoline, if any, are greatly outweighed by the associated costs and negative impacts imposed on society, consumers, and the environment, and on groundwater resources within the Commonwealth;
- (c) They cause extensive groundwater contamination by MTBE even when used in their foreseeable and intended manner;
- (d) Even at extremely low levels, MTBE renders drinking water putrid, foul, and unfit for purveying as drinking water to the public;
- (e) MTBE poses significant threats to the public health and welfare;
- (f) The Refiner/Supplier and Manufacturer/Supplier Defendants failed to provide adequate warnings of the known and foreseeable risks of MTBE and/or gasoline containing MTBE, including but not limited to groundwater contamination with MTBE;
- (g) The Refiner/Supplier and Manufacturer/Supplier Defendants failed to conduct reasonable, appropriate or adequate scientific studies to evaluate the environmental fate and transport and potential human health effects of MTBE; and
- (h) Commercial grade MTBE is defectively manufactured when it contains unnecessary but environmentally harmful impurities such as TBA.

82. MTBE and/or gasoline containing MTBE were used as intended to be used and in a foreseeable manner, and as a proximate result of the defects previously described, MTBE directly and proximately caused the Commonwealth to sustain the injuries and damages set forth in this Complaint.

83. As a direct and proximate result of the acts and omissions of the Refiner/Supplier and Manufacturer/Supplier Defendants alleged herein, the Commonwealth will have to assess, evaluate, investigate, monitor, abate, clean-up, correct, contain, and remove MTBE from groundwater resources within its territory, all at significant expense, loss, and damage. In particular, the Commonwealth must investigate MTBE releases from all underground gasoline storage tanks within its territory, including those that have never been reported to regulators as known or suspected sources of releases.

84. As a further direct and proximate result of the acts and omissions of the Refiner/Supplier and Manufacturer Defendants alleged in this Complaint, the Commonwealth has sustained and will continue to sustain damages and substantially increased expenses. The Commonwealth has incurred and will continue to incur costs and attorneys' fees in prosecuting this action. The Commonwealth is entitled to recover all such damages, together with court costs and reasonable attorneys' fees, in this action.

85. Defendants CITGO, Chevron, ConocoPhillips, ExxonMobil, Lyondell, Shell, Sunoco, and Texaco knew that it was substantially certain that their alleged acts and omissions described above would threaten public health and cause extensive contamination of common water supplies, public drinking water supplies, and property damage. These Defendants committed each of the above described acts and omissions knowingly, willfully, and with oppression, fraud, and/or malice and with conscious disregard of the health and safety of others, and of Plaintiff's rights.

86. Defendants' conduct is reprehensible, despicable, and was performed to promote sales of MTBE and/or gasoline containing MTBE in conscious disregard of the known risks of injury to health and property. Defendants acted with willful and conscious disregard of the probable dangerous consequences of that conduct and its foreseeable

impact upon the Commonwealth. Therefore, the Commonwealth requests an award of exemplary damages, to the extent available to the Commonwealth and not prohibited by law, in an amount sufficient to punish Defendants, Chevron, CITGO, ConocoPhillips, ExxonMobil, Lyondell, Shell, Sunoco, and Texaco. After the completion of additional investigation and discovery, the Commonwealth may seek leave of court to amend this Complaint to allege a claim for exemplary damages, to the extent available to the Commonwealth and not prohibited by law, against additional Defendants if warranted by the facts.

COUNT II
(Public Nuisance - 32 L.P.R.A. § 2761 Against All Defendants)

87. The Commonwealth re-alleges paragraphs 1 through 86 above, and by this reference incorporates them as though set forth in full.

88. The negligent, reckless, intentional and ultrahazardous activity of Defendants, and each of them, alleged herein has resulted in the contamination and pollution of the waters of the Commonwealth as alleged herein, and constitutes a public nuisance. 32 L.P.R.A. § 2761. The Secretary of Justice is authorized to institute proceedings against those parties that intrude on the lands, rights, or property of the Commonwealth, or commit a nuisance thereon. 3 L.P.R.A. § 73.

89. The public nuisance caused, contributed to, maintained, and/or participated in by Defendants, and each of them, has substantially and unreasonably interfered with, obstructed and/or threatened, among other things, the Commonwealth's significant property and quasi-sovereign interests in the waters of the Commonwealth, the Commonwealth's ability to protect, conserve and manage the waters of the Commonwealth, which are by law precious and invaluable public resources held by the

Commonwealth in trust for the benefit of the public, as well as the rights of the people of the Commonwealth to enjoy a water supply free from unacceptable health risk, taste, odor, pollution, and contamination.

90. Each Defendant has, at all times relevant to this action, caused, maintained, participated in and/or assisted in the creation of such public nuisance. Among other things, each Defendant is a substantial contributor to such public nuisance as follows:

- a. The Manufacturer/Supplier Defendants manufactured, promoted and supplied MTBE to refiners when they knew, or reasonably should have known, that: (i) the refiners would in turn blend the MTBE into gasoline; (ii) such gasoline containing MTBE would then be placed into leaking gasoline delivery systems, including those in the Commonwealth; (iii) MTBE would be released even more readily than the constituents of conventional gasoline from gasoline delivery systems; and (iv) when released into the subsurface, MTBE would spread farther and faster than other components of gasoline, resist biodegradation, contaminate groundwater, including drinking water supplies, and, ultimately, be difficult and costly to find and remove from the water.
- b. The Refiner/Supplier Defendants, and each of them, refined, marketed and/or otherwise supplied gasoline containing MTBE that was delivered into the Commonwealth, when they knew, or reasonably should have known, that: (i) such gasoline would be placed into leaking gasoline delivery systems; (ii) MTBE would be released even more readily than the constituents of conventional gasoline from gasoline delivery systems; and

(iii) when released into the subsurface, MTBE would spread farther and faster than other components of gasoline, resist biodegradation, contaminate groundwater, including drinking water supplies, and, ultimately, be difficult and costly to remove from the water.

- c. Defendants CITGO, Chevron, ConocoPhillips, ExxonMobil, Shell, Sunoco, and Texaco had first-hand knowledge and experience regarding leaking gasoline delivery systems and releases of MTBE to groundwater therefrom. These Defendants obtained such first-hand knowledge and experience because each of them owned, operated and/or controlled individual gasoline stations with leaking gasoline delivery systems, including gasoline stations in the Commonwealth.
- d. Defendants, and each of them, manufactured, refined, marketed, promoted, and/or otherwise supplied MTBE and/or gasoline containing MTBE to downstream handlers, when they knew, or reasonably should have known, that MTBE would: (i) be released into the environment from commercial and consumer uses and sources in the Commonwealth other than gasoline delivery systems; and (ii) contaminate the waters of the Commonwealth.
- e. Despite their knowledge that contamination of the waters of the Commonwealth with MTBE was the inevitable consequence of their conduct as alleged herein, Defendants, and each of them, failed to provide any warnings or special instructions, or take any other precautionary measures to prevent or mitigate such contamination.

f. Defendants CITGO, Chevron, ConocoPhillips, Lyondell, ExxonMobil, Shell, Sunoco, and Texaco engaged in separate and joint activities to suppress, conceal and/or minimize information regarding the hazards of MTBE in order to mislead government agencies, including the Commonwealth, and the public regarding the hazards of MTBE.

91. The public nuisance caused, contributed to, maintained, and/or participated in by Defendants, and each of them, has caused and/or threatens to cause substantial injury to the waters of the Commonwealth, in which the Commonwealth has significant property rights and quasi-sovereign interests.

92. The contamination of the waters of the Commonwealth with MTBE alleged herein has varied over time and has not yet ceased. MTBE continues to threaten, migrate into and enter the waters of the Commonwealth. Until the nuisance is abated and the waters of the Commonwealth are returned to their pre-injury quality, the Defendants are liable for the creation and continued maintenance of a public nuisance in contravention of the public's right to clean water and an unspoiled environment.

93. As a direct and proximate result of Defendants' acts and omissions as alleged herein, the Commonwealth has incurred, is incurring, and will continue to incur, administrative, investigation, remediation, cleanup, restoration, removal, treatment and/or monitoring costs and expenses related to contamination of the waters of the Commonwealth with MTBE for which Defendants are jointly and severally liable.

94. As a further direct and proximate result of the acts and omissions of the Defendants alleged in this Complaint, the Commonwealth has sustained and will continue

to sustain other substantial expenses and damages for which Defendants are jointly and severally liable.

95. The injuries to the waters of the Commonwealth caused and/or threatened by Defendants' acts and omissions as alleged herein are indivisible.

96. Defendants' conduct is reprehensible, despicable, and was performed to promote sales of MTBE and/or gasoline containing MTBE in conscious disregard of the known risks of injury to health and property. Defendants acted with willful and conscious disregard of the probable dangerous consequences of that conduct and its foreseeable impact upon the Commonwealth. Therefore, the Commonwealth requests an award of exemplary damages, to the extent available to the Commonwealth and not prohibited by law, in an amount sufficient to punish Defendants, Chevron, CITGO, ConocoPhillips, ExxonMobil, Lyondell, Shell, Sunoco, and Texaco. After the completion of additional investigation and discovery, the Commonwealth may seek leave of court to amend this Complaint to allege a claim for exemplary damages, to the extent available to the Commonwealth and not prohibited by law, against additional Defendants if warranted by the facts.

COUNT III
(Trespass - 31 L.P.R.A § 5141 Against All Defendants)

97. The Commonwealth re-alleges paragraphs 1 through 96 above, and by this reference incorporates them as though set forth in full.

98. The Commonwealth is the owner and/or actual possessor of property rights and interests in the waters of the Commonwealth, as alleged herein, which the Commonwealth holds in trust for the benefit of the public. These property rights and

interests include, but are not limited to, a quasi-sovereign interest in protecting the quality of such waters from contamination and pollution.

99. Defendants, and each of them, intentionally manufactured, refined, marketed, and/or otherwise supplied MTBE and/or gasoline containing MTBE with the knowledge that contamination of the waters of the Commonwealth with MTBE was substantially certain to result.

100. Among other things, Defendants, and each of them, intentionally caused MTBE to enter, invade, intrude upon and injure the waters of the Commonwealth as follows:

- a. The Manufacturer/Supplier Defendants manufactured, promoted and supplied MTBE to refiners when they knew that it was substantially certain that: (i) the refiners would in turn blend the MTBE into gasoline; (ii) such gasoline containing MTBE would then be placed into leaking gasoline delivery systems, including those in the Commonwealth; (iii) MTBE would be released even more readily than the constituents of conventional gasoline from gasoline delivery systems; and (iv) when released into the subsurface, MTBE would spread farther and faster than other components of gasoline, resist biodegradation, contaminate groundwater, including drinking water supplies, and, ultimately, be difficult and costly to find and remove from the water.
- b. The Refiner/Supplier Defendants, and each of them, refined, marketed and/or otherwise supplied gasoline containing MTBE that was delivered into the Commonwealth, when they knew that it was substantially certain

that: (i) such gasoline would be placed into leaking gasoline delivery systems; (ii) MTBE would be released even more readily than the constituents of conventional gasoline from gasoline delivery systems; and (iii) when released into the subsurface, MTBE would spread farther and faster than other components of gasoline, resist biodegradation, contaminate groundwater, including drinking water supplies, and, ultimately, be difficult and costly to remove from the water.

- c. Defendants CITGO, Chevron, ConocoPhillips, ExxonMobil, Shell, Sunoco, and Texaco had first-hand knowledge and experience regarding leaking gasoline delivery systems and releases of MTBE to groundwater therefrom. These defendants obtained such first-hand knowledge and experience because each of them owned, operated and/or controlled individual gasoline stations with leaking gasoline delivery systems, including gasoline stations in the Commonwealth.
- d. Defendants, and each of them, manufactured, refined, marketed, promoted, and/or otherwise supplied MTBE and/or gasoline containing MTBE to downstream handlers, when they knew that it was substantially certain that MTBE would: (i) be released into the environment from commercial and consumer uses and sources in the Commonwealth other than gasoline delivery systems; and (ii) contaminate the waters of the Commonwealth.
- e. Despite their knowledge that groundwater contamination with MTBE was the inevitable consequence of their conduct as alleged herein, Defendants, and each of them, failed to provide any warnings or special instructions, or

take any other precautionary measures to prevent or mitigate such contamination.

- f. Defendants CITGO, Chevron, ConocoPhillips, ExxonMobil, Lyondell, Shell, Sunoco, and Texaco engaged in separate and joint activities to suppress, conceal and/or minimize information regarding the hazards of MTBE in order to mislead government agencies, including the Commonwealth, and the public regarding the hazards of MTBE.

101. Each of these Defendants' intentional acts and omissions has caused a trespass upon and contaminated the property, namely the waters, of the Commonwealth causing the Commonwealth damages for which Defendants are liable pursuant to 31 L.P.R.A § 5141.

102. The contamination of the waters of the Commonwealth with MTBE alleged herein has varied over time and has not yet ceased. MTBE continues to threaten, migrate into and enter the waters of the Commonwealth. Defendants continue to refrain from taking responsibility for this trespass and from taking action to remediate existing contamination and prevent future contamination of the Commonwealth's waters.

103. The Commonwealth has not consented to and does not consent to the trespass alleged herein. Defendants, and each of them, knew or reasonably should have known, that the Commonwealth would not consent to this trespass.

104. As a direct and proximate result of Defendants' acts and omissions as alleged herein, the Commonwealth has incurred, is incurring, and will continue to incur, administrative, investigation, remediation, cleanup, restoration, removal, treatment and/or monitoring costs and expenses related to contamination of the waters of the

Commonwealth with MTBE for which Defendants are jointly and severally liable pursuant to 31 L.P.R.A § 5141.

105. As a further direct and proximate result of the acts and omissions of the defendants alleged in this Complaint, the Commonwealth has sustained and will continue to sustain other substantial expenses and damages for which Defendants are jointly and severally liable pursuant to 31 L.P.R.A § 5141.

106. The injuries to the waters of the Commonwealth caused and/or threatened by defendants' acts and omissions as alleged herein are indivisible.

107. Defendants' conduct is reprehensible, despicable, and was performed to promote sales of MTBE and/or gasoline containing MTBE in conscious disregard of the known risks of injury to health and property. Defendants acted with willful and conscious disregard of the probable dangerous consequences of that conduct and its foreseeable impact upon the Commonwealth. Therefore, the Commonwealth requests an award of exemplary damages, to the extent available to the Commonwealth and not prohibited by law, in an amount sufficient to punish Defendants Chevron, CITGO, ConocoPhillips, ExxonMobil, Lyondell, Shell, Sunoco, and Texaco. After the completion of additional investigation and discovery, the Commonwealth may seek leave of court to amend this Complaint to allege a claim for exemplary damages, to the extent available to the Commonwealth and not prohibited by law, against additional Defendants if warranted by the facts.

COUNT IV
(Negligence - 31 L.P.R.A § 5141 Against All Defendants)

108. The Commonwealth re-alleges paragraphs 1 through 107 above, and by this reference incorporates them as though set forth in full.

109. Defendants had a duty to the Commonwealth to exercise due care in the design, manufacture, formulation, handling, control, disposal, marketing, sale, testing, labeling, use, and instructions for use of MTBE and/or gasoline containing MTBE.

110. Defendants so negligently, carelessly, and recklessly designed, manufactured, formulated, handled, labeled, instructed, controlled (or failed to control), tested (or failed to test), marketed, sold and otherwise entrusted MTBE and gasoline containing MTBE that they breached their duties and directly and proximately caused MTBE to contaminate and threaten the waters of the Commonwealth, resulting in the damages alleged in this Complaint.

111. Defendants, and each of them, failed to conduct reasonable, appropriate or adequate scientific studies to evaluate the environmental fate and transport characteristics of MTBE, and/or the likelihood that use of MTBE as a component of gasoline would pollute public waters, render drinking water unusable and unsafe, and threaten public health and welfare and the environment.

112. The Manufacturer/Supplier Defendants, among other things, manufactured, promoted and/or otherwise supplied MTBE to refiners when they knew, or reasonably should have known, that: (a) the refiners would in turn blend the MTBE into gasoline; (b) such gasoline containing MTBE would then be placed into leaking gasoline delivery systems, including those in the Commonwealth; (c) MTBE would be released even more readily than the constituents of conventional gasoline from gasoline delivery systems; and (d) when released into the subsurface, MTBE would spread farther and faster than other components of gasoline, resist biodegradation, contaminate ground water, including drinking water supplies, and, ultimately, be difficult and costly to find and remove from the water.

113. The Refiner/Supplier Defendants, and each of them, among other things, refined, marketed, and/or otherwise supplied gasoline containing MTBE that was delivered into the Commonwealth and/or in areas affecting waters of the Commonwealth, when they knew, or reasonably should have known, that: (a) such gasoline would be placed into leaking gasoline delivery systems; (b) MTBE would be released even more readily than the constituents of conventional gasoline from gasoline delivery systems; and (c) when released into the subsurface, MTBE would spread farther and faster than other components of gasoline, resist biodegradation, contaminate ground water, including drinking water supplies, and, ultimately, be difficult and costly to remove from the water.

114. Defendants CITGO, Chevron, ConocoPhillips, ExxonMobil, Lyondell, Shell, Sunoco, and Texaco also had first-hand knowledge and experience regarding leaking gasoline delivery systems and releases of MTBE to ground water from such systems. These defendants obtained such first-hand knowledge and experience because each of them owned, operated and/or controlled individual gasoline stations with leaking gasoline delivery systems.

115. Defendants, and each of them, manufactured, refined, marketed, promoted and/or otherwise supplied MTBE and/or gasoline containing MTBE to downstream handlers, when they knew, or reasonably should have known, that MTBE would: (i) be released into the environment from commercial and consumer uses and sources in the Commonwealth other than gasoline delivery systems; and (ii) contaminate the waters of the Commonwealth.

116. Despite their knowledge that groundwater contamination with MTBE was the inevitable consequence of their conduct as alleged herein, Defendants, and each of

them, failed to provide any warnings or special instructions, or take any other precautionary measures to prevent or mitigate such contamination.

117. In light of the facts alleged herein, Defendants, and each of them, breached their duty to use due care in the design, manufacture, formulation, handling, control, marketing, sale, testing, labeling, use, and instructions for use of MTBE and/or gasoline containing MTBE.

118. As a direct and proximate result of Defendants' acts and omissions as alleged herein, the Commonwealth has incurred, is incurring, and will continue to incur, administrative, investigation, remediation, cleanup, restoration, removal, treatment and/or monitoring costs and expenses related to contamination of the waters of the Commonwealth with MTBE for which defendants are jointly and severally liable pursuant to 31 L.P.R.A § 5141.

119. As a further direct and proximate result of the acts and omissions of the Defendants alleged in this Complaint, the Commonwealth has sustained and will continue to sustain other substantial expenses and damages for which defendants are jointly and severally liable pursuant to 31 L.P.R.A § 5141.

120. The injuries to the waters of the Commonwealth caused and/or threatened by Defendants' acts and omissions as alleged herein are indivisible.

121. The contamination of the waters of the Commonwealth with MTBE alleged herein has varied over time and has not yet ceased. MTBE continues to threaten, migrate into and enter the waters of the Commonwealth. Defendants continue to refrain from taking responsibility for this trespass and from taking action to remediate existing contamination and prevent future contamination of the Commonwealth's waters.

122. Defendants' conduct is reprehensible, despicable, and was performed to promote sales of MTBE and/or gasoline containing MTBE in conscious disregard of the known risks of injury to health and property. Defendants acted with willful and conscious disregard of the probable dangerous consequences of that conduct and its foreseeable impact upon the Commonwealth. Therefore, the Commonwealth requests an award of exemplary damages, to the extent available to the Commonwealth and not prohibited by law, in an amount sufficient to punish Defendants, Chevron, CITGO, ConocoPhillips, ExxonMobil, Lyondell, Shell, Sunoco, and Texaco. After the completion of additional investigation and discovery, the Commonwealth may seek leave of court to amend this Complaint to allege a claim for exemplary damages, to the extent available to the Commonwealth and not prohibited by law, against additional Defendants if warranted by the facts.

COUNT V

(Puerto Rico Public Policy Environmental Act, Water Pollution Control Act, and Underground Storage Tank Control Regulations Against All Defendants)

123. The Commonwealth re-alleges paragraphs 1 through 122 above, and by this reference incorporates them as though set forth in full.

124. The Defendants are each "person[s]" as defined by 24 L.P.R.A. § 591(d).

125. The activities of Defendants, and each of them, alleged herein has resulted in the "pollution" of "waters" of the Commonwealth as defined by 24 L.P.R.A. § 591(i) and § 591(e), respectively.

126. The MTBE and petroleum discharged to waters of the Commonwealth by the Defendants are "other" types of pollution as that term is defined by 24 L.P.R.A. § 591(h).

127. The Defendants' activities, individually and collectively, have directly or indirectly, caused the discharge or permitted the discharge of MTBE into the waters of the Commonwealth polluting said waters in such manner as to place them out of the minimum standards of purity set forth in the Commonwealth's regulations promulgated pursuant to 24 L.P.R.A. § 599 in violation of 24 L.P.R.A. § 595 and 12 L.P.R.A. § 1131(13)(A)(i).

128. Each Defendant directly or indirectly, caused the discharge or permitted the discharge of MTBE into the waters of the Commonwealth and/or onto the land where MTBE has seeped or will ultimately seep into the waters of the Commonwealth, polluting said waters.

129. Violations of 24 L.P.R.A. § 595 and the regulations promulgated under 24 L.P.R.A. § 599 constitute violations of The Public Policy Environmental Act, Title II, Act No. 9, 12 L.P.R.A. § 1121 *et seq.* See 12 L.P.R.A. § 1132(b).

130. The Defendants' unlawful discharges of MTBE into the waters of the Commonwealth caused damages to the environment and natural resources of the Commonwealth including but not limited to the ground waters, including Class SG1 ground waters, which are subject to very stringent criteria pursuant to the Puerto Rico Water Quality Standards set forth in EQB Regulation 6616, which constitutes an EPA-approved Water Quality Standard pursuant to 40 C.F.R. § 131.21 under the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.*

131. Pursuant to § 3.2.6(B)(7) of EQB Regulation 6616, the taste and odor of Class SG1 waters shall not be altered except by natural means. Any discharge of MTBE

into such waters violates this requirement due to MTBE's putrid smell and foul taste. Accordingly, Defendants have violated this requirement.

132. The Defendants' unlawful releases of regulated substances, containing MTBE, from underground storage tank system[s] into the waters of the Commonwealth violate Rule 1102(A) and (B) of the Puerto Rico Underground Storage Tank Control regulations, set forth in EQB Regulation 4362.

133. Defendants' installation, operation, and/or closure of underground storage tank systems without taking all practicable measures to control releases or spills violate Rule 1102(D) of the Puerto Rico Underground Storage Tank Control regulations, set forth in EQB Regulation 4362.

134. Plaintiff EQB is empowered to and does seek the total value of the damages caused to the environment and natural resources of the Commonwealth caused by the Defendants' unlawful discharges of MTBE. 12 L.P.R.A. § 1131(29) and § 1136(b).

135. Because the Defendants' activities, individually and collectively, have directly or indirectly, caused the discharge or permitted the discharge of MTBE into waters of the Commonwealth, the Defendants are liable for the total value of the damages caused to the environment and natural resources of the Commonwealth including the reasonable cost to restore and rehabilitate the environment and damaged natural resources along with the reasonable assessment costs, fees, and expenses the Commonwealth has incurred and will incur to assess, mitigate, restore, or replace any natural resources damaged or destroyed by the discharge of MTBE. 12 L.P.R.A. § 1131(29) and § 1136(b).

COUNT VI
(Comprehensive Environmental Response, Compensation, and Liability Act
(“CERCLA”) Against CERCLA Defendants)

136. The Commonwealth re-alleges paragraphs 1 through 135 above, and by this reference incorporates them as though set forth in full.

137. The Commonwealth is a “State” as defined by CERCLA § 101(27), 42 U.S.C. § 9601(27).

138. There have been releases or threatened releases, as defined under CERCLA § 101(22), 42 U.S.C. § 9601(22), of MTBE, which is a “hazardous substance,” as defined under CERCLA § 101(14), 42 U.S.C. § 9601(14), at or from facilities within the Commonwealth.

139. Each of the Defendants Chevron PR, Chevron Phillips, ESSORICO, Shell Company PR, Texaco PR, and Does 1 through 99 (collectively referred to as the “CERCLA Defendants”) is a “person” as defined by CERCLA § 101(21), 42 U.S.C. § 9601(21).

140. Chevron Phillips is a liable person within the meaning of CERCLA § 107(a)(1)-(2), 42 U.S.C. § 9607(a)(1)-(2). Upon information and belief, each of the other CERCLA Defendants is a liable person within the meaning of CERCLA § 107(a)(1)-(3), 42 U.S.C. § 9607(a)(1)-(3).

141. Pursuant to CERCLA § 107(a)(4)(A), 42 U.S.C. § 9607(a)(4)(A), the CERCLA Defendants are jointly and severally liable to the Commonwealth for all costs of removal or remedial action incurred by the Commonwealth not inconsistent with the national contingency plan to address releases or threatened releases of MTBE at or from facilities within the Commonwealth.

142. Pursuant to CERCLA § 107(a)(4)(C), 42 U.S.C. § 9607(a)(4)(C), and CERCLA § 107(f), 42 U.S.C. §9607(f), the CERCLA Defendants are jointly and severally liable to the Commonwealth for damages for injury to, destruction of, and/or loss of natural resources resulting from the releases or threatened releases of MTBE at or from facilities within the Commonwealth.

143. “Natural resources,” within the meaning of CERCLA § 101(16), 42 U.S.C. § 9601(16), located within the Commonwealth and belonging to, managed by, controlled by, or appertaining to the Commonwealth, have been injured, destroyed, or lost as a result of the releases or threatened releases of MTBE at or from facilities within the Commonwealth.

144. The Commonwealth is entitled to recover its reasonable costs in assessing the injury to, destruction of, or loss of natural resources resulting from the releases or threatened releases of MTBE at or from facilities within the Commonwealth.

COUNT VII
(Citizen Suit Pursuant to Toxic Substances Control Act (“TSCA”) § 8(e) and
20(a)(1) Against TSCA Defendants)

145. The Commonwealth re-alleges paragraphs 1 through 144 above, and by this reference incorporates them as though set forth in full.

146. In enacting TSCA, Congress determined that:

- a. human beings and the environment are being exposed each year to a large number of chemical substances and mixtures;
- b. among the many chemical substances and mixtures which are constantly being developed and produced, there are some whose manufacture, processing, distribution in commerce, use, or disposal

may present an unreasonable risk of injury to health or the environment....

15 U.S.C. § 2601(a)(1)-(2).

147. It is the policy of the United States that “adequate data should be developed with respect to the effect of chemical substances and mixtures on health and the environment and that the development of such data should be the responsibility of those who manufacture and those who process such chemical substances and mixtures.”

15 U.S.C. § 2601(b)(1).

148. To accomplish this policy, TSCA § 8(e) was enacted, which provides that:

Any person who manufactures, processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment shall immediately inform the [EPA] Administrator of such information unless such person has actual knowledge that the [EPA] Administrator has been adequately informed of such information.

15 U.S.C. § 2607(e).

149. TSCA § 15, 15 U.S.C. § 2614(3)(B), states that [it] shall be unlawful for any person to ... (3) fail or refuse to ... (B) submit reports, notices, or other information ... as required by this chapter or a rule thereunder....”

150. MTBE and gasoline containing MTBE are chemical substances and mixtures, as defined by TSCA § 3(2) and (8), 15 U.S.C. § 2602(2) and (8).

151. Defendants Shell Oil; Chevron Corp.; Chevron U.S.A.; Texaco; Sunoco, Inc.; Sunoco, Inc. (R&M); ConocoPhillips; Citgo Refining, LP; Citgo Petroleum; and Lyondell (collectively referred to as the “TSCA Defendants”) are persons who manufacture, process, or distribute in commerce MTBE and/or gasoline containing MTBE for commercial purposes, within the meaning of TSCA § 8(e) and (f), 15 U.S.C. § 2607(e) and (f).

152. Under TSCA § 8(e), 15 U.S.C. § 2607(e), the TSCA Defendants have a duty to inform the EPA Administrator of information they obtain concerning the substantial risk of injury to health or the environment posed by MTBE and/or gasoline containing MTBE. The TSCA Defendants have failed and continue to fail to provide the EPA Administrator with such information, thereby violating TSCA §§ 8(e) and 15(3)(B), 15 U.S.C. §§ 2607(e) and 2614(3)(B).

153. Pursuant to TSCA § 20(a), 15 U.S.C. § 2619(a), “any person may commence a civil action – (1) against any person...who is alleged to be in violation of this chapter...to restrain such violation....”

154. The TSCA Defendants are “person[s]” within the meaning TSCA § 20(a), 15 U.S.C. § 2619(a), who are in violation of TSCA.

155. The Commonwealth is a “person” within the meaning of TSCA § 20(a), 15 U.S.C. § 2619(a), who has been harmed, and continues to be harmed, as a direct result of the TSCA Defendants’ ongoing failure to inform the EPA of information the TSCA Defendants have obtained regarding the substantial risks posed by MTBE and gasoline

containing MTBE. That information, if disclosed to EPA, would be available to the Commonwealth and provide the Commonwealth with information regarding the properties of MTBE, which are directly relevant to and would assist the Commonwealth with its duty to protect the waters of the Commonwealth. The harm to the Commonwealth can be redressed by an injunction compelling the TSCA Defendants to provide EPA with the information they have obtained concerning the substantial risks posed by MTBE and/or gasoline containing MTBE.

156. The Commonwealth served on the TSCA Defendants and the EPA Administrator proper notices of Plaintiff's intention to file a TSCA citizen suit claim (the "Notices"), on or about June 18, 2007. Copies of the Notices are attached hereto as Appendix A and incorporated as if fully set forth herein.

157. More than 60 days have elapsed since the Commonwealth served the Notices. During the 60-day period, the EPA Administrator did not commence a proceeding against the TSCA Defendants to require their compliance with TSCA, as set forth herein. The TSCA Defendants did not provide to EPA or to the Commonwealth the information obtained by the TSCA Defendants, which is in their possession, custody, or control.

COUNT VIII
(Resource Conservation and Recovery Act ("RCRA") Against All Defendants with Regulated Facilities Located Within the Commonwealth)

158. The Commonwealth re-alleges paragraphs 1 through 157 above, and by this reference incorporates them as though set forth in full.

159. On January 30, 1998, EPA issued its Final Approval of Puerto Rico's Underground Storage Tank Program under Subtitle I of the Resource Conservation and

Recovery Act of 1976, as amended (“RCRA”), 42 U.S.C. § 6901 et seq., finding that the Commonwealth’s underground storage tank program for petroleum and hazardous substances satisfies all of the requirements necessary to qualify for final approval.

160. Because of EPA’s approval, the Commonwealth’s underground storage tank program operates in the Commonwealth “in lieu of” the federal underground storage tank program and the Commonwealth has primary enforcement responsibility with respect to requirements of its program. 42 U.S.C. § 6991c(d) and 63 Fed. Reg. 4589, 4589-90 (Jan. 30, 1998).

161. The Commonwealth’s underground storage tank program has been codified and incorporated by reference into the federal regulations promulgated pursuant to RCRA at 40 C.F.R. § 282.102 and 40 C.F.R. Part 282, Appendix A. 63 Fed. Reg. 4591, 4591-92 (Jan. 30, 1998).

162. The Owner/Operator Defendants’ and Does’ unlawful releases of regulated substances, containing MTBE, from underground storage tank system[s] into the waters of the Commonwealth violate Rule 1102(A) and (B) of the Puerto Rico Underground Storage Tank Control regulations, set forth in EQB Regulation 4362, and expressly incorporated into the federal regulations at 40 C.F.R. Part 282, Appendix A.

163. The Owner/Operator Defendants’ and Does’ installation, operation, and/or closure of underground storage tank systems without taking all practicable measures to control releases or spills violate Rule 1102(D) of the Puerto Rico Underground Storage Tank Control regulations, set forth in EQB Regulation 4362, and expressly incorporated into the federal regulations at 40 C.F.R. Part 282, Appendix A.

164. Upon information and belief, the Defendants' facilities located in the Commonwealth and regulated under Subchapter III of RCRA have been managed in such a way so as to be out of compliance with RCRA Subchapter III, causing discharges of hazardous wastes containing MTBE into the environment.

165. Pursuant to RCRA, the Commonwealth seeks an order enforcing the Puerto Rico Underground Storage Tank Control regulations, which have been expressly incorporated into the federal regulations at 40 C.F.R. Part 282, Appendix A. The Commonwealth seeks an order compelling Defendants to investigate and repair and/or properly close all storage tanks, underground and aboveground, which are leaking or pose a significant risk of leaking to ensure they do not leak MTBE or MTBE-containing substances into the Commonwealth's soils, waters, and other natural resources. The Commonwealth further seeks an order compelling Defendants to investigate, delineate, and remediate all soils, waters, and other natural resources impacted by MTBE originating from leaking underground storage tank systems and Subchapter III regulated facilities within the Commonwealth so as to remove all detectable concentrations of MTBE.

166. The discharged regulated substances, which include MTBE and substances containing MTBE, constitute "solid wastes" and "hazardous wastes" under RCRA § 1004(27) and (5), 42 U.S.C. § 6903(27) and (5), respectively.

167. Defendants have contributed to the disposal and storage and/or threatened disposal and storage of such solid and hazardous wastes in the soils, waters, and natural resources of the Commonwealth.

168. Such disposal and storage and/or threatened disposal and storage threaten

human health and/or the environment of the Commonwealth.

169. Pursuant to RCRA, the Commonwealth seeks an order compelling Defendants to investigate and repair and/or properly close all storage tanks, underground and aboveground, as well as facilities regulated under Subchapter III that are leaking or pose a significant risk of leaking to ensure they do not leak MTBE or MTBE-containing substances into the Commonwealth's soils, waters, and other natural resources. The Commonwealth further seeks an order compelling Defendants to investigate, delineate, and remediate all soils, waters, and other natural resources impacted by MTBE originating from leaking underground storage tank systems and/or Subchapter III regulated facilities within the Commonwealth so as to remove all detectable concentrations of MTBE.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff, the Commonwealth of Puerto Rico, in both its *parens patriae* capacity and through the Environmental Quality Board, comes before this Court, and respectfully requests this Court to:

- A. Declare that Defendants are jointly and severally liable for the full costs of all investigatory, remedial, removal, and other actions necessary to detect, delineate, abate, remove and remediate MTBE in the waters of the Commonwealth and to restore such waters to their original condition, and for such orders as may be necessary to provide full relief to address risks to the Commonwealth;
- B. Order Defendants to pay compensatory damages in an amount at least equal to the full cost of restoring the waters of the Commonwealth to their

original condition prior to the contamination of such waters with MTBE, including but not limited to, the costs of:

(1) Testing soils around all underground storage tanks suspected of leaking MTBE or MTBE-containing substances;

(2) testing all public and private drinking water supplies for the presence of MTBE;

(3) treatment of all water supplies containing detectable levels of MTBE until restored to non-detectable levels and provision of alternate water supplies, where appropriate; and

(4) present and future monitoring of surface and ground waters to detect the presence of MTBE;

C. Order Defendants to pay all other damages sustained by the Commonwealth as a direct and proximate result of defendant's acts and omissions alleged herein, according to proof, including but not limited to remedial, administrative, oversight and legal expenses and compensation for damage to waters of the Commonwealth;

D. Order Defendants to pay Damages to compensate the Commonwealth for injuries to the natural resources of the Commonwealth, including lost use, lost value, and existence value of natural resources harmed by releases of MTBE;

- E. Issue an Order declaring that the Defendants' gasoline delivery systems and/or refineries constitute a nuisance in the manner they are maintained and operated, and compelling them to abate that nuisance;
- F. Issue an Order compelling Defendants and each of them to abate the public nuisance proximately caused by their conduct as alleged herein;
- G. Grant all appropriate injunctive relief to investigate, abate and/or mitigate the MTBE contamination of waters of the Commonwealth;
- H. Order defendants Chevron U.S.A. Inc., Chevron Corporation, CITGO Refining and Chemical Company, LP, CITGO Petroleum Corporation, ConocoPhillips Company, ExxonMobil Corporation, Lyondell Chemical Company, Shell Oil Company, Sunoco, Inc., Sunoco, Inc. (R&M), and Texaco Refining and Marketing Inc. to pay exemplary damages, to the extent available to the Commonwealth and not prohibited by law, in an amount sufficient to punish defendants Chevron U.S.A. Inc., Chevron Corporation, CITGO Refining and Chemical Company, LP, CITGO Petroleum Corporation, ConocoPhillips Company, ExxonMobil Corporation, Lyondell Chemical Company, Shell Oil Company, Sunoco, Inc., Sunoco, Inc. (R&M), and Texaco Refining and Marketing Inc. and to deter those defendants from ever committing the same or similar acts;
- I. Order Defendants to pay all costs and reasonable attorneys' fees incurred in prosecuting this action, together with prejudgment interest, to the full extent permitted by law;

- J. Reasonable fees for attorneys and expert witnesses pursuant to 15 U.S.C. § 2619 (c)(2);
- K. Issue an Order compelling the TSCA Defendants to provide to EPA and to the Commonwealth the substantial risk information in the TSCA Defendants' possession, custody, or control;
- L. Issue an Order compelling Defendants to investigate and repair and/or properly close all storage tanks, underground and aboveground, as well as facilities regulated under RCRA Subchapter III that are leaking or pose a significant risk of leaking to ensure they do not leak MTBE or MTBE-containing substances into the Commonwealth's soils, waters, and other natural resources.
- M. Issue an Order compelling Defendants to investigate, delineate, and remediate all soils, waters, and other natural resources impacted by MTBE originating from leaking underground storage tank systems and/or RCRA Subchapter III regulated facilities within the Commonwealth so as to remove all detectable concentrations of MTBE; and
- N. For such and other further relief as the court may deem just and proper.

PLAINTIFF IS ENTITLED TO A TRIAL BY A JURY AND HEREBY DEMANDS A TRIAL BY A JURY.

Dated: October 3, 2007

/s Roberto Sanchez Ramos
Roberto Sanchez Ramos, Esquire
Secretary of Justice
Commonwealth of Puerto Rico

/s Orlando H. Martinez
Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, Puerto Rico 00907

/s John K. Dema
John K. Dema, Esquire
Law Offices of John K. Dema, P.C.
1236 Strand Street, Suite 103
Christiansted, St. Croix
U.S. Virgin Islands 00820-5008

/s Gordon C. Rhea
Gordon C. Rhea, Esquire
Richardson, Patrick, Westbrook &
Brickman, L.L.C.
1037 Chuck Dawley Blvd., Bldg. A
Mt. Pleasant, SC 29465

Appendix A

LAW OFFICES OF JOHN K. DEMA, P.C.
ATTORNEYS-AT-LAW

JOHN K. DEMA
ADMITTED USVI-CA
jdema@lojkd.com

SCOTT E. KAUFF, OF COUNSEL
ADMITTED DC-MD-NJ-PA
skauff@lojkd.com

June 18, 2007

VIA CERTIFIED RETURN RECEIPT REQUESTED

Mr. Peter Robertson
Chevron USA, Inc.
6001 Bollinger Canyon Road
San Ramon, California 94583

Chevron U.S.A., Inc.
R/A The Prentice Hall Corporation System, Inc.
P.O. Box 526036
Sacramento, California 95852

RE: Toxic Substances Control Act Notice

Pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2619, and 40 C.F.R. §§ 702.60-702.62, the Commonwealth of Puerto Rico, by and through the Secretary of Justice and its undersigned legal counsel, hereby provides notice of the Commonwealth's intent to file a citizens' suit against Chevron U.S.A., Inc. ("you") to enforce the provisions of the Toxic Substances Control Act ("TSCA"). You have manufactured, processed, or distributed in commerce in Puerto Rico methyl tertiary butyl ether ("MTBE"), a chemical substance or mixture. The Commonwealth has reason to believe that you have obtained information which reasonably supports the conclusion that MTBE presents a "substantial risk of injury to health or the environment" within the meaning of TSCA § 8(e), 15 U.S.C. § 2607(e). This information includes, but is not limited to, information provided to you, and developed by you, in litigation initiated by numerous public water suppliers to recover the costs of remediating soil and drinking water contaminated by MTBE. Accordingly, you are obligated under the provisions of TSCA § 8(e) to inform the Administrator of the United States Environmental Protection Agency ("EPA") of these risks. Your failure to do so constitutes a prohibited act under TSCA § 15, 15 U.S.C. § 2614, and contributes to ongoing harm to the environment and citizens of Puerto Rico.

1236 STRAND STREET, SUITE 103
CHRISTIANSTED, ST. CROIX, USVI 00820
TELEPHONE: (340) 773-6142
FACSIMILE: (340) 773-3944

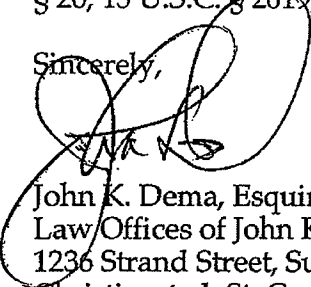
11300 ROCKVILLE PIKE, SUITE 112
ROCKVILLE, MARYLAND 20852
TELEPHONE: (301) 881-5900
FACSIMILE: (240) 536-9108

www.demalaw.com

Your failure to provide this information to EPA as required by TSCA is particularly egregious because EPA, in carrying out its responsibilities under TSCA, has specifically requested information regarding incidents of releases of gasoline containing MTBE and information on the detection of MTBE in ground water, surface waters, or drinking water supplies. EPA has also requested information on the toxicity of MTBE, taste and odor, and likely future occurrence of MTBE contamination in ground water, surface water, and drinking water. See 65 Fed. Reg. 16094, 16107 (Mar. 24, 2000). Despite these specific requests, you failed to inform EPA of responsive Substantial Risk Information in your possession.

Your past and continuing failure to inform EPA of the Substantial Risk Information in your possession constitutes an ongoing violation of TSCA. If you do not immediately provide all Substantial Risk Information to EPA, including information relevant to releases or likely releases in Puerto Rico, the Secretary of Justice of the Commonwealth of Puerto Rico, on behalf of the Commonwealth of Puerto Rico and its people, will file a TSCA citizens' civil action under TSCA § 20, 15 U.S.C. § 2619, sixty days after service of this notice.

Sincerely,



John K. Dema, Esquire
Law Offices of John K. Dema, P.C.
1236 Strand Street, Suite 103
Christiansted, St. Croix
U.S Virgin Islands 00820-5008
Tel: (340) 773-6142

Roberto Sanchez Ramos, Esquire
Secretario de Justicia
Departamento de Justicia
Estado Libre Asociado de Puerto Rico
P.O. Box 9020192
San Juan, PR 00902-0192
Tel: 787-721-2900

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

cc: Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

LAW OFFICES OF JOHN K. DEMA, P.C.
ATTORNEYS-AT-LAW

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SCOTT E. KAUFF, OF COUNSEL
ADMITTED DC-MD-NJ-PA
skauff@lojkd.com

June 18, 2007

VIA CERTIFIED RETURN RECEIPT REQUESTED

Mr. James J. Mulva
ConocoPhillips Company
600 North Dairy Ashford
Houston, Texas 77079-1175

ConocoPhillips Company
R/A United States Corporation
701 Brazos Street, Suite 1050
Austin, Texas 78701

RE: Toxic Substances Control Act Notice

Pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2619, and 40 C.F.R. §§ 702.60-702.62, the Commonwealth of Puerto Rico, by and through the Secretary of Justice and its undersigned legal counsel, hereby provides notice of the Commonwealth's intent to file a citizens' suit against ConocoPhillips Company ("you") to enforce the provisions of the Toxic Substances Control Act ("TSCA"). You have manufactured, processed, or distributed in commerce in Puerto Rico methyl tertiary butyl ether ("MTBE"), a chemical substance or mixture. The Commonwealth has reason to believe that you have obtained information which reasonably supports the conclusion that MTBE presents a "substantial risk of injury to health or the environment" within the meaning of TSCA § 8(e), 15 U.S.C. § 2607(e). This information includes, but is not limited to, information provided to you, and developed by you, in litigation initiated by numerous public water suppliers to recover the costs of remediating soil and drinking water contaminated by MTBE. Accordingly, you are obligated under the provisions of TSCA § 8(e) to inform the Administrator of the United States Environmental Protection Agency ("EPA") of these risks. Your failure to do so constitutes a prohibited act under TSCA § 15, 15 U.S.C. § 2614, and contributes to ongoing harm to the environment and citizens of Puerto Rico.

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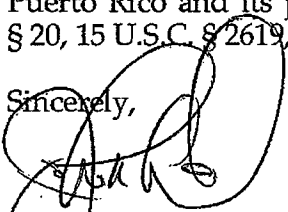
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ROCKVILLE, MARYLAND 20852
TELEPHONE: (301) 881-5900
FACSIMILE: (240) 536-9108

www.demalaw.com

Your failure to provide this information to EPA as required by TSCA is particularly egregious because EPA, in carrying out its responsibilities under TSCA, has specifically requested information regarding incidents of releases of gasoline containing MTBE and information on the detection of MTBE in ground water, surface waters, or drinking water supplies. EPA has also requested information on the toxicity of MTBE, taste and odor, and likely future occurrence of MTBE contamination in ground water, surface water, and drinking water. See 65 Fed. Reg. 16094, 16107 (Mar. 24, 2000). Despite these specific requests, you failed to inform EPA of responsive Substantial Risk Information in your possession.

Your past and continuing failure to inform EPA of the Substantial Risk Information in your possession constitutes an ongoing violation of TSCA. If you do not immediately provide all Substantial Risk Information to EPA, including information relevant to releases or likely releases in Puerto Rico, the Secretary of Justice of the Commonwealth of Puerto Rico, on behalf of the Commonwealth of Puerto Rico and its people, will file a TSCA citizens' civil action under TSCA § 20, 15 U.S.C. § 2619, sixty days after service of this notice.

Sincerely,



John K. Dema, Esquire
Law Offices of John K. Dema, P.C.
1236 Strand Street, Suite 103
Christiansted, St. Croix
U.S Virgin Islands 00820-5008
Tel: (340) 773-6142

Roberto Sanchez Ramos, Esquire
Secretario de Justicia
Departamento de Justicia
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P.O. Box 9020192
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Tel: 787-721-2900

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

cc: Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

LAW OFFICES OF JOHN K. DEMA, P.C.
ATTORNEYS-AT-LAW

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SCOTT E. KAUFF, OF COUNSEL
ADMITTED DC-MD-NJ-PA
skauff@lojkd.com

June 18, 2007

VIA CERTIFIED RETURN RECEIPT REQUESTED

Mr. David O'Reilly
ChevronTexaco Corporation
6001 Bollinger Canyon Road
San Ramon, California 94583

Chevron Corporation
R/A The Prentice-Hall Corporation System, Inc.
P.O. Box 526036
Sacramento, California 95852

RE: Toxic Substances Control Act Notice

Pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2619, and 40 C.F.R. §§ 702.60-702.62, the Commonwealth of Puerto Rico, by and through the Secretary of Justice and its undersigned legal counsel, hereby provides notice of the Commonwealth's intent to file a citizens' suit against ChevronTexaco Corporation ("you") to enforce the provisions of the Toxic Substances Control Act ("TSCA"). You have manufactured, processed, or distributed in commerce in Puerto Rico methyl tertiary butyl ether ("MTBE"), a chemical substance or mixture. The Commonwealth has reason to believe that you have obtained information which reasonably supports the conclusion that MTBE presents a "substantial risk of injury to health or the environment" within the meaning of TSCA § 8(e), 15 U.S.C. § 2607(e). This information includes, but is not limited to, information provided to you, and developed by you, in litigation initiated by numerous public water suppliers to recover the costs of remediating soil and drinking water contaminated by MTBE. Accordingly, you are obligated under the provisions of TSCA § 8(e) to inform the Administrator of the United States Environmental Protection Agency ("EPA") of these risks. Your failure to do so constitutes a prohibited act under TSCA § 15, 15 U.S.C. § 2614, and contributes to ongoing harm to the environment and citizens of Puerto Rico.

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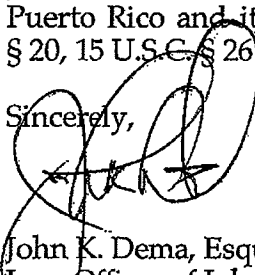
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Your past and continuing failure to inform EPA of the Substantial Risk Information in your possession constitutes an ongoing violation of TSCA. If you do not immediately provide all Substantial Risk Information to EPA, including information relevant to releases or likely releases in Puerto Rico, the Secretary of Justice of the Commonwealth of Puerto Rico, on behalf of the Commonwealth of Puerto Rico and its people, will file a TSCA citizens' civil action under TSCA § 20, 15 U.S.C. § 2619, sixty days after service of this notice.

Sincerely,



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Tel: 787-721-2900

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

cc: Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

LAW OFFICES OF JOHN K. DEMA, P.C.
ATTORNEYS-AT-LAW

JOHN K. DEMA
ADMITTED USVI-CA
jdema@lojkd.com

SCOTT E. KAUFF, OF COUNSEL
ADMITTED DC-MD-NJ-PA
skauff@lojkd.com

June 18, 2007

VIA CERTIFIED RETURN RECEIPT REQUESTED

Mr. Alejandro Granado
CITGO Petroleum Corporation
1293 Eldridge Pkwy
Houston, Texas 77077

CITGO Petroleum Corporation
R/A CT Corporation System
350 N. St. Paul Street
Dallas, Texas 75201

RE: Toxic Substances Control Act Notice

Pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2619, and 40 C.F.R. §§ 702.60-702.62, the Commonwealth of Puerto Rico, by and through the Secretary of Justice and its undersigned legal counsel, hereby provides notice of the Commonwealth's intent to file a citizens' suit against CITGO Petroleum Corporation ("you") to enforce the provisions of the Toxic Substances Control Act ("TSCA"). You have manufactured, processed, or distributed in commerce in Puerto Rico methyl tertiary butyl ether ("MTBE"), a chemical substance or mixture. The Commonwealth has reason to believe that you have obtained information which reasonably supports the conclusion that MTBE presents a "substantial risk of injury to health or the environment" within the meaning of TSCA § 8(e), 15 U.S.C. § 2607(e). This information includes, but is not limited to, information provided to you, and developed by you, in litigation initiated by numerous public water suppliers to recover the costs of remediating soil and drinking water contaminated by MTBE. Accordingly, you are obligated under the provisions of TSCA § 8(e) to inform the Administrator of the United States Environmental Protection Agency ("EPA") of these risks. Your failure to do so constitutes a prohibited act under TSCA § 15, 15 U.S.C. § 2614, and contributes to ongoing harm to the environment and citizens of Puerto Rico.

1236 STRAND STREET, SUITE 103
CHRISTIANSTED, ST. CROIX, USVI 00820
TELEPHONE: (340) 773-6142
FACSIMILE: (340) 773-3944

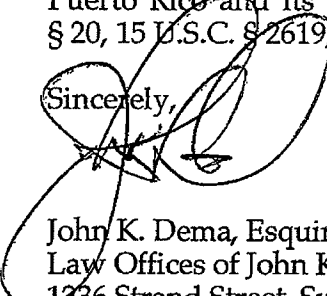
11300 ROCKVILLE PIKE, SUITE 112
ROCKVILLE, MARYLAND 20852
TELEPHONE: (301) 881-5900
FACSIMILE: (240) 536-9108

www.demalaw.com

Your failure to provide this information to EPA as required by TSCA is particularly egregious because EPA, in carrying out its responsibilities under TSCA, has specifically requested information regarding incidents of releases of gasoline containing MTBE and information on the detection of MTBE in ground water, surface waters, or drinking water supplies. EPA has also requested information on the toxicity of MTBE, taste and odor, and likely future occurrence of MTBE contamination in ground water, surface water, and drinking water. See 65 Fed. Reg. 16094, 16107 (Mar. 24, 2000). Despite these specific requests, you failed to inform EPA of responsive Substantial Risk Information in your possession.

Your past and continuing failure to inform EPA of the Substantial Risk Information in your possession constitutes an ongoing violation of TSCA. If you do not immediately provide all Substantial Risk Information to EPA, including information relevant to releases or likely releases in Puerto Rico, the Secretary of Justice of the Commonwealth of Puerto Rico, on behalf of the Commonwealth of Puerto Rico and its people, will file a TSCA citizens' civil action under TSCA § 20, 15 U.S.C. § 2619, sixty days after service of this notice.

Sincerely,



John K. Dema, Esquire
Law Offices of John K. Dema, P.C.
1236 Strand Street, Suite 103
Christiansted, St. Croix
U.S Virgin Islands 00820-5008
Tel: (340) 773-6142

Roberto Sanchez Ramos, Esquire
Secretario de Justicia
Departamento de Justicia
Estado Libre Asociado de Puerto Rico
P.O. Box 9020192
San Juan, PR 00902-0192
Tel: 787-721-2900

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

cc: Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

LAW OFFICES OF JOHN K. DEMA, P.C.
ATTORNEYS-AT-LAW

JOHN K. DEMA
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SCOTT E. KAUFF, OF COUNSEL
ADMITTED DC-MD-NJ-PA
skauff@lojkd.com

June 18, 2007

VIA CERTIFIED RETURN RECEIPT REQUESTED

Mr. Dan F. Smith
Lyondell Chemical Co.
1221 McKinney Street
Houston, Texas 77010

Lyondell Chemical Company
R/A CT Corporation System
350 N. St. Paul Street
Dallas, Texas 75201

RE: Toxic Substances Control Act Notice

Pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2619, and 40 C.F.R. §§ 702.60-702.62, the Commonwealth of Puerto Rico, by and through the Secretary of Justice and its undersigned legal counsel, hereby provides notice of the Commonwealth's intent to file a citizens' suit against Lyondell Chemical Company ("you") to enforce the provisions of the Toxic Substances Control Act ("TSCA"). You have manufactured, processed, or distributed in commerce in Puerto Rico methyl tertiary butyl ether ("MTBE"), a chemical substance or mixture. The Commonwealth has reason to believe that you have obtained information which reasonably supports the conclusion that MTBE presents a "substantial risk of injury to health or the environment" within the meaning of TSCA § 8(e), 15 U.S.C. § 2607(e). This information includes, but is not limited to, information provided to you, and developed by you, in litigation initiated by numerous public water suppliers to recover the costs of remediating soil and drinking water contaminated by MTBE. Accordingly, you are obligated under the provisions of TSCA § 8(e) to inform the Administrator of the United States Environmental Protection Agency ("EPA") of these risks. Your failure to do so constitutes a prohibited act under TSCA § 15, 15 U.S.C. § 2614, and contributes to ongoing harm to the environment and citizens of Puerto Rico.

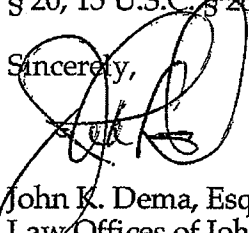
1236 STRAND STREET, SUITE 103
CHRISTIANSTED, ST. CROIX, USVI 00820
TELEPHONE: (340) 773-6142
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11300 ROCKVILLE PIKE, SUITE 112
ROCKVILLE, MARYLAND 20852
TELEPHONE: (301) 881-5900
FACSIMILE: (240) 536-9108

Your failure to provide this information to EPA as required by TSCA is particularly egregious because EPA, in carrying out its responsibilities under TSCA, has specifically requested information regarding incidents of releases of gasoline containing MTBE and information on the detection of MTBE in ground water, surface waters, or drinking water supplies. EPA has also requested information on the toxicity of MTBE, taste and odor, and likely future occurrence of MTBE contamination in ground water, surface water, and drinking water. See 65 Fed. Reg. 16094, 16107 (Mar. 24, 2000). Despite these specific requests, you failed to inform EPA of responsive Substantial Risk Information in your possession.

Your past and continuing failure to inform EPA of the Substantial Risk Information in your possession constitutes an ongoing violation of TSCA. If you do not immediately provide all Substantial Risk Information to EPA, including information relevant to releases or likely releases in Puerto Rico, the Secretary of Justice of the Commonwealth of Puerto Rico, on behalf of the Commonwealth of Puerto Rico and its people, will file a TSCA citizens' civil action under TSCA § 20, 15 U.S.C. § 2619, sixty days after service of this notice.

Sincerely,



John K. Dema, Esquire
Law Offices of John K. Dema, P.C.
1236 Strand Street, Suite 103
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U.S Virgin Islands 00820-5008
Tel: (340) 773-6142

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Secretario de Justicia
Departamento de Justicia
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P.O. Box 9020192
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Orlando H. Martinez Law Offices
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701 Ponce de Leon Avenue
San Juan, PR 00907

cc: Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

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ATTORNEYS-AT-LAW

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SCOTT E. KAUFF, OF COUNSEL
ADMITTED DC-MD-NJ-PA
skauff@lojkd.com

June 18, 2007

VIA CERTIFIED RETURN RECEIPT REQUESTED

CITGO Refining and Chemicals Company, L.P.
R/A The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801

RE: Toxic Substances Control Act Notice

Pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2619, and 40 C.F.R. §§ 702.60-702.62, the Commonwealth of Puerto Rico, by and through the Secretary of Justice and its undersigned legal counsel, hereby provides notice of the Commonwealth's intent to file a citizens' suit against CITGO Refining and Chemicals Company, L.P. ("you") to enforce the provisions of the Toxic Substances Control Act ("TSCA"). You have manufactured, processed, or distributed in commerce in Puerto Rico methyl tertiary butyl ether ("MTBE"), a chemical substance or mixture. The Commonwealth has reason to believe that you have obtained information which reasonably supports the conclusion that MTBE presents a "substantial risk of injury to health or the environment" within the meaning of TSCA § 8(e), 15 U.S.C. § 2607(e). This information includes, but is not limited to, information provided to you, and developed by you, in litigation initiated by numerous public water suppliers to recover the costs of remediating soil and drinking water contaminated by MTBE. Accordingly, you are obligated under the provisions of TSCA § 8(e) to inform the Administrator of the United States Environmental Protection Agency ("EPA") of these risks. Your failure to do so constitutes a prohibited act under TSCA § 15, 15 U.S.C. § 2614, and contributes to ongoing harm to the environment and citizens of Puerto Rico.

Your failure to provide this information to EPA as required by TSCA is particularly egregious because EPA, in carrying out its responsibilities under TSCA, has specifically requested information regarding incidents of releases of gasoline containing MTBE and information on the detection of MTBE in ground water, surface waters, or drinking water supplies. EPA has also requested

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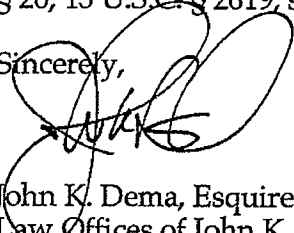
11300 ROCKVILLE PIKE, SUITE 112
ROCKVILLE, MARYLAND 20852
TELEPHONE: (301) 881-5900
FACSIMILE: (240) 536-9108

www.demalaw.com

information on the toxicity of MTBE, taste and odor, and likely future occurrence of MTBE contamination in ground water, surface water, and drinking water. See 65 Fed. Reg. 16094, 16107 (Mar. 24, 2000). Despite these specific requests, you failed to inform EPA of responsive Substantial Risk Information in your possession.

Your past and continuing failure to inform EPA of the Substantial Risk Information in your possession constitutes an ongoing violation of TSCA. If you do not immediately provide all Substantial Risk Information to EPA, including information relevant to releases or likely releases in Puerto Rico, the Secretary of Justice of the Commonwealth of Puerto Rico, on behalf of the Commonwealth of Puerto Rico and its people, will file a TSCA citizens' civil action under TSCA § 20, 15 U.S.C. § 2619, sixty days after service of this notice.

Sincerely,



John K. Dema, Esquire
Law Offices of John K. Dema, P.C.
1236 Strand Street, Suite 103
Christiansted, St. Croix
U.S Virgin Islands 00820-5008
Tel: (340) 773-6142

Roberto Sanchez Ramos, Esquire
Secretario de Justicia
Departamento de Justicia
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Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

cc: Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

LAW OFFICES OF JOHN K. DEMA, P.C.
ATTORNEYS-AT-LAW

JOHN K. DEMA
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jcdema@lojkd.com

SCOTT E. KAUFF, OF COUNSEL
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skauff@lojkd.com

June 18 2007

VIA CERTIFIED RETURN RECEIPT REQUESTED

Mr. Craig Duff
Texaco Refining and Marketing, Inc.
910 Louisiana Street
Houston Texas 77002

Texaco Refining and Marketing, Inc.
R/A Prentice Hall Corp System, Inc.
701 Brazos Street, Suite 1050
Austin, Texas 78701

RE: Toxic Substances Control Act Notice

Pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2619, and 40 C.F.R. §§ 702.60-702.62, the Commonwealth of Puerto Rico, by and through the Secretary of Justice and its undersigned legal counsel, hereby provides notice of the Commonwealth's intent to file a citizens' suit against Texaco Refining and Marketing, Inc., ("you") to enforce the provisions of the Toxic Substances Control Act ("TSCA"). You have manufactured, processed, or distributed in commerce in Puerto Rico methyl tertiary butyl ether ("MTBE"), a chemical substance or mixture. The Commonwealth has reason to believe that you have obtained information which reasonably supports the conclusion that MTBE presents a "substantial risk of injury to health or the environment" within the meaning of TSCA § 8(e), 15 U.S.C. § 2607(e). This information includes, but is not limited to, information provided to you, and developed by you, in litigation initiated by numerous public water suppliers to recover the costs of remediating soil and drinking water contaminated by MTBE. Accordingly, you are obligated under the provisions of TSCA § 8(e) to inform the Administrator of the United States Environmental Protection Agency ("EPA") of these risks. Your failure to do so constitutes a prohibited act under TSCA § 15, 15 U.S.C. § 2614, and contributes to ongoing harm to the environment and citizens of Puerto Rico.

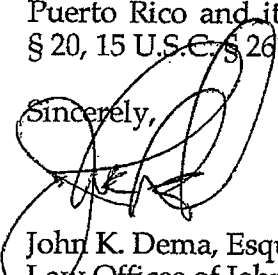
1236 STRAND STREET, SUITE 103
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11300 ROCKVILLE PIKE, SUITE 112
ROCKVILLE, MARYLAND 20852
TELEPHONE: (301) 881-5900
FACSIMILE: (240) 536-9108

Your failure to provide this information to EPA as required by TSCA is particularly egregious because EPA, in carrying out its responsibilities under TSCA, has specifically requested information regarding incidents of releases of gasoline containing MTBE and information on the detection of MTBE in ground water, surface waters, or drinking water supplies. EPA has also requested information on the toxicity of MTBE, taste and odor, and likely future occurrence of MTBE contamination in ground water, surface water, and drinking water. See 65 Fed. Reg. 16094, 16107 (Mar. 24, 2000). Despite these specific requests, you failed to inform EPA of responsive Substantial Risk Information in your possession.

Your past and continuing failure to inform EPA of the Substantial Risk Information in your possession constitutes an ongoing violation of TSCA. If you do not immediately provide all Substantial Risk Information to EPA, including information relevant to releases or likely releases in Puerto Rico, the Secretary of Justice of the Commonwealth of Puerto Rico, on behalf of the Commonwealth of Puerto Rico and its people, will file a TSCA citizens' civil action under TSCA § 20, 15 U.S.C. § 2619, sixty days after service of this notice.

Sincerely,



John K. Dema, Esquire
Law Offices of John K. Dema, P.C.
1236 Strand Street, Suite 103
Christiansted, St. Croix
U.S Virgin Islands 00820-5008
Tel: (340) 773-6142

Roberto Sanchez Ramos, Esquire
Secretario de Justicia
Departamento de Justicia
Estado Libre Asociado de Puerto Rico
P.O. Box 9020192
San Juan, PR 00902-0192
Tel: 787-721-2900

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

cc: Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

LAW OFFICES OF JOHN K. DEMA, P.C.
ATTORNEYS-AT-LAW

JOHN K. DEMA
ADMITTED USVI-CA
jdema@lojkd.com

SCOTT E. KAUFF, OF COUNSEL
ADMITTED DC-MD-NJ-PA
skauff@lojkd.com

June 18, 2007

VIA CERTIFIED RETURN RECEIPT REQUESTED

Mr. John D. Hofmeister
Shell Oil Co.
1 Shell Plaza
910 Louisiana Street
Houston, Texas 77002

Shell Oil Company
R/A CT Corporation System
1021 Main Street, Suite 1150
Houston, Texas 77002

RE: Toxic Substances Control Act Notice

Pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2619, and 40 C.F.R. §§ 702.60-702.62, the Commonwealth of Puerto Rico, by and through the Secretary of Justice and its undersigned legal counsel, hereby provides notice of the Commonwealth's intent to file a citizens' suit against Shell Oil Company ("you") to enforce the provisions of the Toxic Substances Control Act ("TSCA"). You have manufactured, processed, or distributed in commerce in Puerto Rico methyl tertiary butyl ether ("MTBE"), a chemical substance or mixture. The Commonwealth has reason to believe that you have obtained information which reasonably supports the conclusion that MTBE presents a "substantial risk of injury to health or the environment" within the meaning of TSCA § 8(e), 15 U.S.C. § 2607(e). This information includes, but is not limited to, information provided to you, and developed by you, in litigation initiated by numerous public water suppliers to recover the costs of remediating soil and drinking water contaminated by MTBE. Accordingly, you are obligated under the provisions of TSCA § 8(e) to inform the Administrator of the United States Environmental Protection Agency ("EPA") of these risks. Your failure to do so constitutes a prohibited act under TSCA § 15, 15 U.S.C. § 2614, and contributes to ongoing harm to the environment and citizens of Puerto Rico.

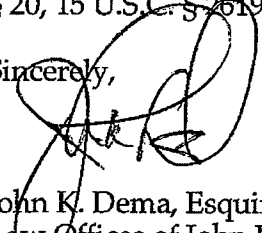
1236 STRAND STREET, SUITE 103
CHRISTIANSTED, ST. CROIX, USVI 00820
TELEPHONE: (340) 773-6142
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11300 ROCKVILLE PIKE, SUITE 112
ROCKVILLE, MARYLAND 20852
TELEPHONE: (301) 881-5900
FACSIMILE: (240) 536-9108

Your failure to provide this information to EPA as required by TSCA is particularly egregious because EPA, in carrying out its responsibilities under TSCA, has specifically requested information regarding incidents of releases of gasoline containing MTBE and information on the detection of MTBE in ground water, surface waters, or drinking water supplies. EPA has also requested information on the toxicity of MTBE, taste and odor, and likely future occurrence of MTBE contamination in ground water, surface water, and drinking water. See 65 Fed. Reg. 16094, 16107 (Mar. 24, 2000). Despite these specific requests, you failed to inform EPA of responsive Substantial Risk Information in your possession.

Your past and continuing failure to inform EPA of the Substantial Risk Information in your possession constitutes an ongoing violation of TSCA. If you do not immediately provide all Substantial Risk Information to EPA, including information relevant to releases or likely releases in Puerto Rico, the Secretary of Justice of the Commonwealth of Puerto Rico, on behalf of the Commonwealth of Puerto Rico and its people, will file a TSCA citizens' civil action under TSCA § 20, 15 U.S.C. § 2619, sixty days after service of this notice.

Sincerely,



John K. Dema, Esquire
Law Offices of John K. Dema, P.C.
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U.S Virgin Islands 00820-5008
Tel: (340) 773-6142

Roberto Sanchez Ramos, Esquire
Secretario de Justicia
Departamento de Justicia
Estado Libre Asociado de Puerto Rico
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San Juan, PR 00902-0192
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Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

cc: Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

LAW OFFICES OF JOHN K. DEMA, P.C.
ATTORNEYS-AT-LAW

JOHN K. DEMA
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jdema@lojkd.com

SCOTT E. KAUFF, OF COUNSEL
ADMITTED DC-MD-NJ-PA
skauff@lojkd.com

June 18, 2007

VIA CERTIFIED RETURN RECEIPT REQUESTED

Mr. John G. Drosdick
Sunoco, Inc. (R&M)
1735 Market Street, Suite LL
Philadelphia, Pennsylvania 19103-7583

Sunoco, Inc. (R&M)
R/A CT Corporation System
1515 Market Street, Suite 1210
Philadelphia, Pennsylvania 19102

RE: Toxic Substances Control Act Notice

Pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2619, and 40 C.F.R. §§ 702.60-702.62, the Commonwealth of Puerto Rico, by and through the Secretary of Justice and its undersigned legal counsel, hereby provides notice of the Commonwealth's intent to file a citizens' suit against Sunoco, Inc. (R&M) ("you") to enforce the provisions of the Toxic Substances Control Act ("TSCA"). You have manufactured, processed, or distributed in commerce in Puerto Rico methyl tertiary butyl ether ("MTBE"), a chemical substance or mixture. The Commonwealth has reason to believe that you have obtained information which reasonably supports the conclusion that MTBE presents a "substantial risk of injury to health or the environment" within the meaning of TSCA § 8(e), 15 U.S.C. § 2607(e). This information includes, but is not limited to, information provided to you, and developed by you, in litigation initiated by numerous public water suppliers to recover the costs of remediating soil and drinking water contaminated by MTBE. Accordingly, you are obligated under the provisions of TSCA § 8(e) to inform the Administrator of the United States Environmental Protection Agency ("EPA") of these risks. Your failure to do so constitutes a prohibited act under TSCA § 15, 15 U.S.C. § 2614, and contributes to ongoing harm to the environment and citizens of Puerto Rico.

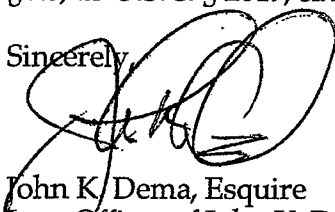
1236 STRAND STREET, SUITE 103
CHRISTIANSTED, ST. CROIX, USVI 00820
TELEPHONE: (340) 773-6142
FACSIMILE: (340) 773-3944

11300 ROCKVILLE PIKE, SUITE 112
ROCKVILLE, MARYLAND 20852
TELEPHONE: (301) 881-5900
FACSIMILE: (240) 536-9108

Your failure to provide this information to EPA as required by TSCA is particularly egregious because EPA, in carrying out its responsibilities under TSCA, has specifically requested information regarding incidents of releases of gasoline containing MTBE and information on the detection of MTBE in ground water, surface waters, or drinking water supplies. EPA has also requested information on the toxicity of MTBE, taste and odor, and likely future occurrence of MTBE contamination in ground water, surface water, and drinking water. See 65 Fed. Reg. 16094, 16107 (Mar. 24, 2000). Despite these specific requests, you failed to inform EPA of responsive Substantial Risk Information in your possession.

Your past and continuing failure to inform EPA of the Substantial Risk Information in your possession constitutes an ongoing violation of TSCA. If you do not immediately provide all Substantial Risk Information to EPA, including information relevant to releases or likely releases in Puerto Rico, the Secretary of Justice of the Commonwealth of Puerto Rico, on behalf of the Commonwealth of Puerto Rico and its people, will file a TSCA citizens' civil action under TSCA § 20, 15 U.S.C. § 2619, sixty days after service of this notice.

Sincerely,



John K. Dema, Esquire
Law Offices of John K. Dema, P.C.
1236 Strand Street, Suite 103
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Administrator
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1200 Pennsylvania Avenue, NW
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LAW OFFICES OF JOHN K. DEMA, P.C.
ATTORNEYS-AT-LAW

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ADMITTED DC-MD-NJ-PA
skauff@lojkd.com

June 18, 2007

VIA CERTIFIED RETURN RECEIPT REQUESTED

Mr. John G. Drosdick
Sunoco, Inc.
1735 Market Street
Suite LL
Philadelphia, Pennsylvania 19103-7583

Sunoco, Inc.
Attention: Registered Agent
1735 Market Street
Philadelphia, Pennsylvania 19103

RE: Toxic Substances Control Act Notice

Pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2619, and 40 C.F.R. §§ 702.60-702.62, the Commonwealth of Puerto Rico, by and through the Secretary of Justice and its undersigned legal counsel, hereby provides notice of the Commonwealth's intent to file a citizens' suit against Sunoco, Inc. ("you") to enforce the provisions of the Toxic Substances Control Act ("TSCA"). You have manufactured, processed, or distributed in commerce in Puerto Rico methyl tertiary butyl ether ("MTBE"), a chemical substance or mixture. The Commonwealth has reason to believe that you have obtained information which reasonably supports the conclusion that MTBE presents a "substantial risk of injury to health or the environment" within the meaning of TSCA § 8(e), 15 U.S.C. § 2607(e). This information includes, but is not limited to, information provided to you, and developed by you, in litigation initiated by numerous public water suppliers to recover the costs of remediating soil and drinking water contaminated by MTBE. Accordingly, you are obligated under the provisions of TSCA § 8(e) to inform the Administrator of the United States Environmental Protection Agency ("EPA") of these risks. Your failure to do so constitutes a prohibited act under TSCA § 15, 15 U.S.C. § 2614, and contributes to ongoing harm to the environment and citizens of Puerto Rico.

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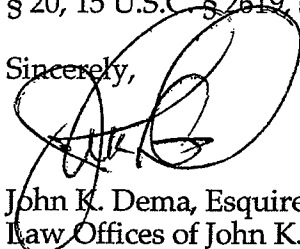
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www.demalaw.com

Your failure to provide this information to EPA as required by TSCA is particularly egregious because EPA, in carrying out its responsibilities under TSCA, has specifically requested information regarding incidents of releases of gasoline containing MTBE and information on the detection of MTBE in ground water, surface waters, or drinking water supplies. EPA has also requested information on the toxicity of MTBE, taste and odor, and likely future occurrence of MTBE contamination in ground water, surface water, and drinking water. See 65 Fed. Reg. 16094, 16107 (Mar. 24, 2000). Despite these specific requests, you failed to inform EPA of responsive Substantial Risk Information in your possession.

Your past and continuing failure to inform EPA of the Substantial Risk Information in your possession constitutes an ongoing violation of TSCA. If you do not immediately provide all Substantial Risk Information to EPA, including information relevant to releases or likely releases in Puerto Rico, the Secretary of Justice of the Commonwealth of Puerto Rico, on behalf of the Commonwealth of Puerto Rico and its people, will file a TSCA citizens' civil action under TSCA § 20, 15 U.S.C. § 2619, sixty days after service of this notice.

Sincerely,



John K. Dema, Esquire
Law Offices of John K. Dema, P.C.
1236 Strand Street, Suite 103
Christiansted, St. Croix
U.S Virgin Islands 00820-5008
Tel: (340) 773-6142

Roberto Sanchez Ramos, Esquire
Secretario de Justicia
Departamento de Justicia
Estado Libre Asociado de Puerto Rico
P.O. Box 9020192
San Juan, PR 00902-0192
Tel: 787-721-2900

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

cc: Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

AO 440 (Rev. 3/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

COMMONWEALTH OF PUERTO RICO, ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Chevron Corporation
Registered Agent
The Prentice-Hall Corporation System, Inc.
PO Box 526036
Sacramento, CA 95852

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez Echeveria, Esq.
Centro de Seguro Bldg., 1st Fl 413
701 Ponce de Leon Ave.
San Juan, P.R. 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

JOSE A. LEBRON-ALBINO
DEPUTY CLERK

DATE

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Chevron Estrella Puerto Rico, Inc.
Registered Agent
The Prentice-Hall Corporation System, Inc.
Suite 400
Wilmington, DE 19808

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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FRANCES RIOS DE MORAN
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OCT - 4 2007

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DATE

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT

District of

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Lyondell Chemical Company
Registered Agent
CT Corporation System
350 N. St. Paul Street
Dallas, TX 75201

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Total Oil, Inc.
Registered Agent
CT Corporation Systems
361 San Francisco Street, Penthouse
Old San Juan, PR 00901

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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UNITED STATES DISTRICT COURT

District of

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Sunoco, Inc. (R&M)
Registered Agent
CT Corporation System
1515 Market Street
Suite 1210
Philadelphia, PA 19102

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Sunoco, Inc.
President Robert H. Campbell
1801 Market Street
Philadelphia, PA 19103

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Chevron Phillips Chemical Puerto Rico Core, Inc.
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Texaco Puerto Rico, Inc.
Registered Agent
Paul rivera
Metro Office Park
Texaco Office Plaza Bldg., Suite 400
Guaynabo, PR 00968

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Chevron Caribbean, Inc.
Registered Agent
Texaco Plaza Building, Suite 400
Metro Office Park
Guaynabo, PR 00968

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Motiva Enterprises, LLC
Registered Agent
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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DEPUTY CLERK

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UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

CITGO Petroleum Corporation
Registered Agent
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Shell Oil Company
Registered Agent
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
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UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

CITGO Refining and Chemical Company, LP
Registered Agent
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Chevron Puerto Rico, LLC
Road 28 Pueblo Viejo Ward
Guaynabo, PR 00966

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Chevron International Oil Company, Inc.
Registered Agent
Prentice Hall Corporation Systems of PR
%Wood, Once Comptroller
Plaza 6th Floor
Hato Rey, PR 00916

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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DEPUTY CLERK

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Texaco Refining and Marketing, Inc.
Registered Agent
Prentice Hall Court System, Inc.
701 Brazos Street
Suite 1050
Austin, TX 78701

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

CITGO International P.R.
Registered Agent
CT Corp System
206 Tetuan Street
San Juan, PR 00936

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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UNITED STATES DISTRICT COURT

District of

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

ConcoPhillips Company
Registered Agent
Corporation Service Company
CSC Lawyers Incorporating Service
PO Box 526036
Sacramento, CA 95852

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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UNITED STATES DISTRICT COURT

District of

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^Y
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Shell Trading (US) Company
Registered Agent
CT Corp
Corporate Domicile
909 Fannin
Houston, TX 77010

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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UNITED STATES DISTRICT COURT

District of

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Shell Chemical Yabucoa, Inc.
Secretary of State
Department of State
San Juan, PR 00902

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Equilon Enterprises, LLC
Registered Agent
CT Corporation System
2222 Grand Avenue
Des Moines, IA 50312

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Shell Company Puerto Rico Ltd.
Registered Agent
Atty Nicolas Nogueras
PO Box 195386
San Juan, PR 00919

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
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UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Chevron U.S.A., Inc.
Registered Agent
CT Corporation System
123 S. Broad Street
Philadelphia, PA 19109

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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OCT - 4 2007

CLERK

JOSE A. LEBRON-ALBINO
DEPUTY CLERK

DATE

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT

District of

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Puerto Rico Sun Oil Company LLC
Registered Agent
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

JOSE A. LEBRON-ALBINO
DEPUTY CLERK

DATE

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Texaco Petroleum, Inc.
Registered Agent
Claude P. Moreau
2000 Westchester Avenue
White Plain, NY 10650

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

JOSE A. LEBRON-ALBINO
DEPUTY CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Puerto Rico

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V.
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Chevron Phillips Chemical Puerto Rico Core, Inc.
Registered Agent
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 5 2007

CLERK

DATE

SARAH V. RAMON
DEPUTY CLERK

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Puerto Rico

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V.
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Total Petroleum Puerto Rico Corporation
Mario Julia Industrial Park, A Street
Suite 11A
Guaynabo, PR 00924

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 5 2007

CLERK

SARAH V. RAMON
DEPUTY CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Puerto Rico

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V.
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Esso Standard Oil Company (Puerto Rico)
San Patricio Avenue, Parkside Corner #1
Guaynabo, PR 00968

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 5 2007

CLERK

SARAH V. RAMON
DEPUTY CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Puerto Rico

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V.
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

ExxonMobil Corporation
5959 Las Colinas Boulevard
Irving, TX 75039-2298

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Oriando H. Martinez, Esquire
Oriando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

CLERK

SARAH V. RAMON
DEPUTY CLERK

(By) DEPUTY CLERK

DATE

OCT - 5 2007

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Puerto Rico

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V.
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

HOVENSA, L.L.C.
1 Estate Hope
Christiansted, St. Croix
United States Virgin Islands 00820

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 5 2007

CLERK

SARAH V. RAMON
DEPUTY CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Puerto Rico

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V.
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Hess Oil Virgin Islands Corporation
1185 Avenue of the Americas
New York, NY 10036-2601

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 5 2007

CLERK

SARAH V. RAMON
DEPUTY CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Lyondell Chemical Company
Registered Agent
CT Corporation System
350 N. St. Paul Street
Dallas, TX 75201

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

JOSE A. LEBRON-ALBINO
DEPUTY CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 10/08/2007 at 1:40 P.M.
NAME OF SERVER (PRINT) SHARLENE J. BARNES	TITLE PRIVATE PROCESS SERVER
Check one box below to indicate appropriate method of service	
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: LYONDELL CHEMICAL COMPANY, BY DELIVERING TO CT CORPORATION SYSTEMS, REGISTERED AGENT, BY DELIVERING TO MARIE GARCIA, AGENT FOR SERVICE, 350 N. ST. PAUL STREET, SUITE 2400 DALLAS, TEXAS 75201	
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:	
<input type="checkbox"/> Returned unexecuted:	
<input type="checkbox"/> Other (specify):	

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
--------	----------	--------------

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

10/9/2007
Date

Signature of Server



Address of Server

MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY NW
SUITE 885
ATLANTA, GA 30328
1-800-446-8784

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Texaco Refining and Marketing, Inc.
Registered Agent
Prentice Hall Court System, Inc.
701 Brazos Street
Suite 1050
Austin, TX 78701

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK

Jose A. Rios de Moran

ORIGINAL

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE October 9, 2007
NAME OF SERVER (PRINT) Jon H. Snyder	TITLE Certified Private Process Server
Check one box below to indicate appropriate method of service	
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input checked="" type="checkbox"/> Other (specify): Prentice Hall Court System, Inc. for Texaco Refining And Marketing, Inc. at 701 Brazos Street, Suite 1050, Ausitn, Travis County, Texas 78701	

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
--------	----------	--------------

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on October 9, 2007
Date

[Signature]
Signature of Server

MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY NW
SUITE 885
ATLANTA, GA 30328
1-800-446-8784

[Address]
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

SD 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Puerto Rico

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V.
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Esso Standard Oil Company (Puerto Rico)
San Patricio Avenue, Parkside Corner #1
Guaynabo, PR 00968

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 5 2007


CLERK


SARAH V. HAMON
DEPUTY CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/03) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	October, 8, 2007
NAME OF SERVER (PRINT) Edwin R. De Jesus	TITLE	Process Server
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <u>Galeria San Patricia, Tabonuco B-5 Suite 202, Guaynabo, P.R.</u>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
Name of person with whom the summons and complaint were left: <u>Esso Standard Oil Company (Puerto Rico) Thru Marilyn Lopez, Administrative assistance</u>		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on	Date	Signature of Server
	October 8, 2007	
		Guaynabo, P.R.
		Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Puerto Rico

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V.
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Total Petroleum Puerto Rico Corporation
Mario Julia Industrial Park, A Street
Suite 11A
Guaynabo, PR 00924

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 5 2007

CLERK

DATE

SARAH V. RAMON
DEPUTY CLERK

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	October 7, 2007
NAME OF SERVER (PRINT) Edwin R De Jesus	TITLE	Process Server
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: TOTAL Petroleum Puerto Rico Corporation / Margaret King, Human resources manager <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>October 7, 2007</u> <u>[Signature]</u> Date Signature of Server</p> <p style="text-align: center;"><u>Guaynabo, PR</u> Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

SD-440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Equilon Enterprises, LLC
Registered Agent
CT Corporation System
2222 Grand Avenue
Des Moines, IA 50312

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

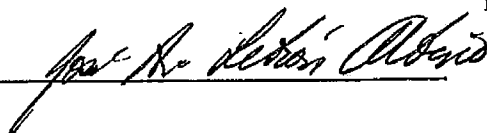
FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK



IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

CASE NO.: 07-1505 (ccc)

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PUERTO RICO ET
AL

Plaintiff/Petitioner,

vs.

SHELL OIL COMPANY, ET AL

Defendant/Respondent.

Received by **MLQ ATTORNEY SERVICES** on **10/08/2007** to be served upon:

EQUILON ENTERPRISES, LLC

STATE OF IOWA
COUNTY OF POLK ss.

I, **Julia Roberts**, being duly sworn on oath, and over the age of 18 years, do hereby depose and state that:

On **10/08/2007** at **03:30 PM**, I served the within **SUMMONS IN A CIVIL ACTION, FIRST AMENDED COMPLAINT, APENDIX A, COMPLAINT** on **EQUILON ENTERPRISES, LLC** at **2222 GRAND AVENUE, Des Moines, IA 50312** in the manner indicated below:

CORPORATE SERVICE: I served the same on the above company, corporation, government official, etc, by delivering a copy to the person named and described below at the address shown above. :

NAME: **Nancy Zehr @ CT Corporation System** TITLE/RELATION: **REGISTERED AGENT**

Fee For Service: **\$30.00**

Sworn to and subscribed before me on this

8th day of October, 2007

by an affiant who is personally known to me or produced identification.

NOTARY PUBLIC



X

Julia Roberts

Independent Contractor for:

MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY STE 885
ATLANTA, GA 30328
800 446 8794
Atty File#: **222211** - Our File# **1644**

SD 440 (Rev. 5/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Puerto Rico

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V.
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

ExxonMobil Corporation
5959 Las Colinas Boulevard
Irving, TX 75039-2298

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

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FRANCES RIOS DE MORAN
CLERK OF COURT

CLERK


SARAH V. RAMON
DEPUTY CLERK

(By) DEPUTY CLERK

DATE

OCT - 5 2007

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>10/09/2007 at 1:45 P.M.</u>	
NAME OF SERVER (PRINT) <u>SHARLENE J. BARNES</u>	TITLE <u>PRIVATE PROCESS SERVER</u>	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>EXXON MOBILE CORPORATION BY DELIVERING TO CHARLES A. BEACH, COUNSEL, 5959 LAS COLINAS BOULEVARD IRVING, TEXAS 75039.</u> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>10/10/2007</u> <u>Sharlene J. Barnes</u> <div style="display: flex; justify-content: space-between; width: 100%;"> Date Signature of Server </div> </p> <p style="text-align: center; margin-top: 20px;"> <u>Address of Server</u> MLQ ATTORNEY SERVICES 2000 RIVEREDGE PARKWAY NW SUITE 885 ATLANTA, GA 30328 1-800-446-8784 </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



SD 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO, ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Chevron Corporation
Registered Agent
The Prentice-Hall Corporation System, Inc.
PO Box 526036
Sacramento, CA 95852

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando M. Martinez Echavaria, Esq.
Calle de Segura Bldg. 4th Fl. 413
701 Ponce De Leon Ave.
San Juan, P.R. 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK

Attorney or Party without Attorney:		Telephone No.:		For Court Use Only
Attorney for: Plaintiff		Ref. No. or File No.: 222217 & 222222		
Insert name of Court, and Judicial District and Branch Court: In The U.s. District Court For The District Of Puerto Rico				
Plaintiff: COMMONWEALTH OF PUERTO RICO, ET AL. Defendant: SHELL OIL COMPANY, ET AL.				
PROOF OF SERVICE (Summons In A Civil Action;)	Hearing Date:	Time:	Dept/Div	Case Number: 07-1505 (CCC)

1. At the time of service I was at least 18 Years of age and not a party to this action.
2. I served copies of the:
Summons In A Civil Action; First Amended Complaint; Appendix A; Complaint
3. a. Party Served: CHEVRON CORPORATION (Defendant)
b. Person Served: RHONDA TUCK, AUTHORIZED AGENT
4. Address where the party was served: CORPORATION SERVICE COMPANY
2730 GATEWAY OAKS DRIVE
SUITE 100
SACRAMENTO, CA 95833
5. I served the party:
a. by personal service I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Tue, Oct. 09, 2007 (2) at: 2:10PM
7. Person who served the papers:
a. T. ANDY HARRIS
b. MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY-NW
SUITE 885
ATLANTA, GA 30328
c. (800) 446-8794
d. ^{Recoverable Costs Per CCP 1033.5(a)(4)(B)} The Fee for service was:
e. I am: (3) Registered California process server.
(i) Owner
(ii) Registration No.: 81-002
(iii) County: Sacramento
(iv) Expiration: Jan. 02, 2009

MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY NW
SUITE 885
ATLANTA, GA 30328
1-800-446-8784

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Oct. 09, 2007

Judicial Council Form POS-010

Rule 982.9. (a)&(b) Rev Jan. 01,2007

PROOF OF SERVICE

(T. ANDY HARRIS)

1119.83678-1



Q-440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

ConcoPhillips Company
Registered Agent
Corporation Service Company
CSC Lawyers Incorporating Service
PO Box 526036
Sacramento, CA 95852

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK

Attorney or Party without Attorney:		Telephone No.:		For Court Use Only
Attorney for: Plaintiff		Ref. No. or File No.: 222217 & 222222		
Insert name of Court, and Judicial District and Branch Court: In The U.S. District Court For The District Of Puerto Rico				
Plaintiff: COMMONWEALTH OF PUERTO RICO, ET AL. Defendant: SHELL OIL COMPANY, ET AL.				
PROOF OF SERVICE (Summons In A Civil Action;)	Hearing Date:	Time:	Dept/Div	
				Case Number: 07-1505 (CCC)

1. At the time of service I was at least 18 Years of age and not a party to this action.
2. I served copies of the:
Summons In A Civil Action; First Amended Complaint; Appendix A; Complaint
3. a. Party Served: CONCOPHILLIPS COMPANY (Defendant)
b. Person Served: RHONDA TUCK, AUTHORIZED AGENT
4. Address where the party was served: CORPORATION SERVICE COMPANY
2730 GATEWAY OAKS DRIVE
SUITE 100
SACRAMENTO, CA 95833
5. I served the party:
 - a. by personal service I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Tue, Oct. 09, 2007 (2) at: 2:10PM
7. Person who served the papers:
 - a. T. ANDY HARRIS
 - b. MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY-NW
SUITE 885
ATLANTA, GA 30328
 - c. (800) 446-8794
 - d. *The Fee for service was:*
e. I am: (3) Registered California process server.
 - (i) Owner
 - (ii) Registration No.: 81-002
 - (iii) County: Sacramento
 - (iv) Expiration: Jan. 02, 2009

Recoverable Costs Per CCP 1033.5(a)(4)(B)

MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY NW
SUITE 885
ATLANTA, GA 30328
1-800-446-8784

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Oct. 09, 2007

Judicial Council Form POS-010

Rule 982.9. (a)&(b) Rev Jan. 01, 2007

PROOF OF SERVICE

(T. ANDY HARRIS)

1119.83677

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Chevron Estrella Puerto Rico, Inc.
Registered Agent
The Prentice-Hall Corporation System, Inc.
Suite 400
Wilmington, DE 19808

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK



AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE October 8, 2007 at 2:55 p.m.
NAME OF SERVER (PRINT) Daniel Newcomb	TITLE Process Server
Check one box below to indicate appropriate method of service	

☐ Served personally upon the defendant. Place where served:

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☒ Other (specify): Service on Chevron Estrella Puerto Rico, Inc., was effectuated by serving Mary Drummond, Managing Agent duly authorized to accept service. Service was made at Prentice-Hall Corporation Systems, Inc., 2711 Centerville Rd., # 400, Wilmington, DE 19808.


STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on October 9, 2007
Date


Signature of Server

MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY NW
SUITE 885
Address of Server ATLANTA, GA 30328
1-800-446-8784

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

CITGO Petroleum Corporation
Registered Agent
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

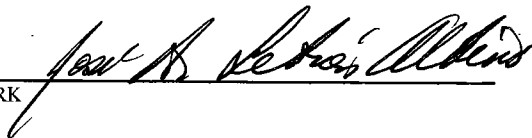
FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK



Service of the Summons and complaint was made by me ⁽¹⁾	DATE October 8, 2007 at 1:50 p.m.
NAME OF SERVER (<i>PRINT</i>) Daniel Newcomb	TITLE Process Server

☐ Served personally upon the defendant. Place where served:

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☒ Other (specify): Service on Citgo Petroleum Corporation was effectuated by serving Scott LaScala, Managing Agent duly authorized to accept service. Service was made at The Corporation Trust Company, 1209 Orange St., Wilmington, DE 19801.

TRAVEL	SERVICES	TOTAL \$0.00
--------	----------	-----------------

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on October 9, 2007
Date

Signature of Server

Address of Server

MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY NW
SUITE 885
ATLANTA, GA 30328
1-800-446-8784

UNITED STATES DISTRICT COURT

District of

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

CITGO Refining and Chemical Company, LP
Registered Agent
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK

[Signature]

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE October 8, 2007 at 1:50 p.m.
NAME OF SERVER (PRINT) Daniel Newcomb	TITLE Process Server

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☒ Other (specify): Service on CITGO Refining and Chemical Company, LP was effectuated by serving Scott LaScala, Managing Agent duly authorized to accept service. Service was made at The Corporation Trust Company, 1209 Orange St., Wilmington, DE 19801.**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on October 9, 2007
Date

Signature of Server

Address of Server

MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY NW
SUITE 885
ATLANTA, GA 30328
1-800-446-8784

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

FD-440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Motiva Enterprises, LLC
Registered Agent
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK



AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE October 8, 2007 at 1:50 p.m.
NAME OF SERVER (PRINT) Daniel Newcomb	TITLE Process Server

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☒ Other (specify): Service on Motiva Enterprises, LLC was effectuated by serving Scott LaScala, Managing Agent duly authorized to accept service. Service was made at The Corporation Trust Company, 1209 Orange St., Wilmington, DE 19801.


STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on October 9, 2007
Date


Signature of Server

MLQ ATTORNEY SERVICES
Address of Server 2000 RIVEREDGE PARKWAY NW
SUITE 885
ATLANTA, GA 30328
1-800-446-8784

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 4 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Puerto Rico Sun Oil Company LLC
Registered Agent
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK



AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE October 8, 2007 at 1:50 p.m.
NAME OF SERVER (PRINT) Daniel Newcomb	TITLE Process Server

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☒ Other (specify): Service on Puerto Rico Sun Oil Company, LLC was effectuated by serving Scott LaScala, Managing Agent duly authorized to accept service. Service was made at The Corporation Trust Company, 1209 Orange St., Wilmington, DE 19801.

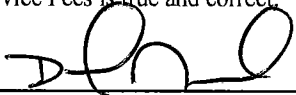
STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on October 9, 2007
Date


Signature of Server

MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY NW
Address of Server SUITE 885
ATLANTA, GA 30328
1-800-446-8784

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT

District of

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Shell Oil Company
Registered Agent
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE October 8, 2007 at 1:50 p.m.
NAME OF SERVER (PRINT) Daniel Newcomb	TITLE Process Server

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☒ Other (specify): Service on Shell Oil Company was effectuated by serving Scott LaScala, Managing Agent, duly authorized to accept service. Service was made at The Corporation Trust Company, 1209 Orange St., Wilmington, DE 19801.

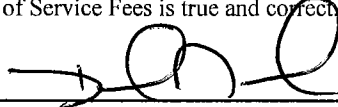
STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on October 9, 2007
Date


Signature of Server

Address of Server

MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY NW
SUITE 885
ATLANTA, GA 30328
1-800-446-8784

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Shell Trading (US) Company
Registered Agent
CT Corp
Corporate Domicile
909 Fannin
Houston, TX 77010

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK

for H. L. Rios de Moran

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 10/08/2007 @ 10:40 A.M.
NAME OF SERVER (PRINT) Elwin Stuart	TITLE Process Server

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

- ☐ Returned unexecuted:

☒ Other (specify): Shell Trading (US) Company by delivering to CT Corporation Systems
Delivered to Susan Thompson, Senior Process Specialist at
1021 Main Street, Suite 1150, Houston, Texas 77002

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 10/09/2007
Date

Elwin Stuart
Signature of Server Elwin Stuart, SCH1192

MLQ ATTORNEY SERVICES
Address of Server 2000 RIVEREDGE PARKWAY NW
SUITE 885
ATLANTA, GA 30328
1-800-446-8784

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^Y
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

CITGO International P.R.
Registered Agent
CT Corp System
206 Tetuan Street
San Juan, PR 00936

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

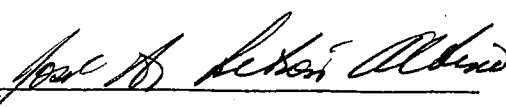
FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK



AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me⁽¹⁾ DATE OCT. 9, 2007

NAME OF SERVER (PRINT) ROBERTO DIAZ TITLE Process Server

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served: c/o Jeanette Torres

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:

☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL \$0.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

10/10/07
Date

Signature of Server

[Signature]

MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY NW
SUITE 665

Address of Server

ATLANTA, GA 30328
1-800-446-8784

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Chevron Puerto Rico, LLC
Road 28 Pueblo Viejo Ward
Guaynabo, PR 00966

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK

for Frances Rios de Moran

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>Oct 9, 2007</u>
NAME OF SERVER (PRINT) <u>ROBERTO DIAZ</u>	TITLE <u>Process Server</u>

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served:Repaso Office Plaza Building
Metro Office Park Suite 400☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 10/10/07
Date

Signature of Server

MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY NW
SUITE 885Address of Server ATLANTA, GA 30328
1-800-446-8784

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

3
SAO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Shell Chemical Yabucoa, Inc.
Secretary of State
Department of State
San Juan, PR 00902

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK

For R. Lebrón Alvarado

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>Oct. 9, 2007</u>
NAME OF SERVER (PRINT) <u>Roberto Diaz</u>	TITLE <u>Process Server</u>
Check one box below to indicate appropriate method of service	
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>c/o Carmen Hernandez</u> <u>Department of State</u> <u>San Juan, PR 00902</u> <u>Sec. to Director of Cooperative Dev.</u>	
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:	
<input type="checkbox"/> Returned unexecuted:	
<input type="checkbox"/> Other (specify):	

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 10/10/07
Date

Signature of Server

MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY NW
SUITE 885

Address of Server

ATLANTA, GA 30328
1-800-446-8784

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

§ AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Total Oil, Inc.
Registered Agent
CT Corporation Systems
361 San Francisco Street, Penthouse
Old San Juan, PR 00901

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK

José A. Lefrancis Alvarado

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>OCT. 9, 2007</u>
NAME OF SERVER (PRINT) <u>ROBERTO DIAZ</u>	TITLE <u>Process Server</u>

Check one box below to indicate appropriate method of service

☒ Served personally upon the defendant. Place where served:

CT Corporation Systems
361 San Francisco ST. San Juan, PR. 00901
C/o Jeannette Torres
Representative

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
--------	----------	--------------

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____

Date

Signature of Server

[Signature]
MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY NW
SUITE 885

Address of Server ATLANTA, GA 30328
1-800-446-8784

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

O 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Chevron International Oil Company, Inc.
Registered Agent
Prentice Hall Corporation Systems of PR
%Wood, Once Comptroller
Plaza 6th Floor
Hato Rey, PR 00916

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

JOSE A. LEBRON-ALBINO
DEPUTY CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE <i>Oct. 17, 2007</i>
NAME OF SERVER (PRINT) <i>ROBERTO DIAZ</i>	TITLE <i>Process Server</i>

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:☒ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☒ Other (specify):

Copies were left at the law firm of Fredder Gonzalez and Rodriguez, at BBVA Tower, 254 Munoz Rivera Ave. Hato Rey, PR 00918

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____

Date

Signature of Server

Address of Server

PO Box 8230 Bayamon, PR 00966

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**United States District Court
District of Puerto Rico**

COMMONWEALTH OF PUERTO RICO

v.

SHELL OIL COMPANY, ET AL

SUMMONS IN A CIVIL ACTION

Case Number 07-1505 (ccc)

I, Roberto Diaz, being duly sworn deposes, that I am a competent person more than 18 years of age or older and not a party to this action. That I received the documents stated below on October 8, 2007 instructing for same to be delivered upon the following defendants. I served the summons's and complaints as described below.

Total Oil, Inc. Served October 9, 2007 on registered agent Jeannette Torres, CT Corporation System, at 361 San Francisco Street, Old San Juan, PR 00901.

Shell Chemical Yabucoa, Inc., Served on October 9, 2007 on Carmen Hernandez, Secretary of Director of Corporations, at Department of State, San Juan, PR 00901.

Citgo International P.R., Served on October 9, 2007, on registered agent Jeannette Torres, CT Corporation at 361 San Francisco Street, PR 00901.

Chevron Puerto Rico, LLC, Served on October 9, 2007, on Evelyn Nieves, person authorized to receive summons and complaint at Texaco Office Plaza Building, Metro Park, Suite 400, Guaynabo, PR 00968.

Chevron Caribbean, Inc., Served on October 9, 2007, on Evelyn Nieves, person authorized to receive summons and complaint at Texaco Office Plaza Building, Metro Park, Suite 400, Guaynabo, PR 00968.

Texaco Puerto Rico, Inc., Served on October 9, 2007, on Evelyn Nieves, person authorized to receive summons and complaint at Texaco Office Plaza Building, Metro Park, Suite 400, Guaynabo, PR 00968.

Texaco Petroleum, Inc., On October 12, 2007, I received an additional summons and complaint for Texaco Petroleum, Inc., which was served on October 15, 2007, on Evelyn Nieves, person authorized to receive summons and complaint at Texaco Office Plaza Building, Metro Park, Suite 400, Guaynabo, PR 00968.

No one wanted to accept the summons for Prentice Hall Corporation Systems, registered agent for the Chevron International Oil Company. I was directed to different locations and discovered that Prentice Hall is represented by the law firm of Fiddler Gonzalez and Rodriguez, at BBVA Tower, 254 Munoz Rivera Ave., Hato Rey, PR 00918., where after a couple of days I was able to speak with a Sharon Santiago, who informed me that while they represented Prentice Hall, and some Shell Companies, she could not accept the summons because the listed name of the defendant on the summons was not definite. After 3 attempts to have it accepted on October 17, 2007, I left the summons and complaint on the desk of the receptionist Wanda, informing her that my instructions were to leave the summons at the office.

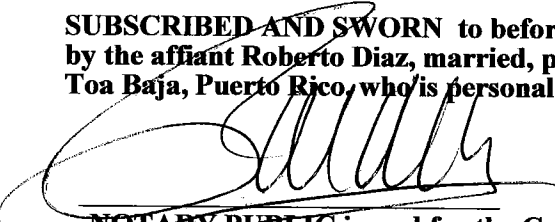

Roberto Diaz

AFFIDAVIT

11359

SUBSCRIBED AND SWORN to before me this 20th day of October 2007,
by the affiant **Roberto Diaz**, married, property owner and resident of
Toa Baja, Puerto Rico, who is personally known to me.




NOTARY PUBLIC in and for the Commonwealth of Puerto Rico
My Commission is AD Vitam

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Texaco Petroleum, Inc.
Registered Agent
Claude P. Moreau
2000 Westchester Avenue
White Plain, NY 10650

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK

for Frances Rios de Moran Albino

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>Oct. 15, 2007</u>
NAME OF SERVER (PRINT) <u>Roberto Diaz</u>	TITLE <u>Process Server</u>

Check one box below to indicate appropriate method of service

- ☒ Served personally upon the defendant. Place where served: c/o Evelyn Nieves
Texas Office Plaza Building
Metropolitan Park Suite 410
Administrative Assistant
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☐ Other (specify):

STATEMENT OF SERVICE FEES

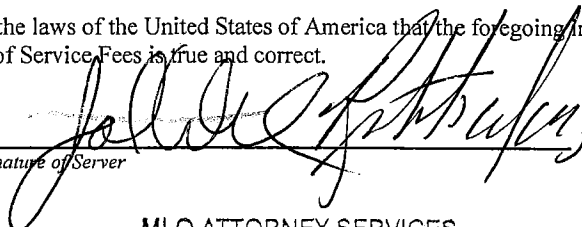
TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
 Date

Signature of Server



MLQ ATTORNEY SERVICES
 2000 RIVEREDGE PARKWAY NW

Address of Server

SUITE 885
 ATLANTA, GA 30328
 1-800-446-8784

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

^V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Chevron Caribbean, Inc.
Registered Agent
Texaco Plaza Building, Suite 400
Metro Office Park
Guaynabo, PR 00968

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

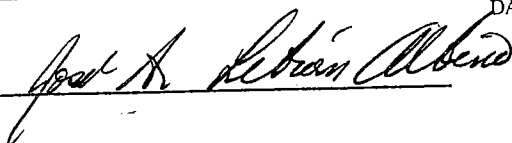
FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK



AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>Oct. 9, 2007</u>
NAME OF SERVER (PRINT) <u>ROBERTO DIAZ</u>	TITLE <u>Process Server</u>

Check one box below to indicate appropriate method of service

- ☒ Served personally upon the defendant. Place where served: c/o Evelyn Nieves
Tefaco Office Plaza Building
Metro Office Park Suite 400 Guaynabo, PR 00968
 c/o Evelyn Nieves Administrative Assistant
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
--------	----------	--------------

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

10/10/07
Date

Signature of Server

[Signature]
 MLQ ATTORNEY SERVICES
 2000 RIVEREDGE PARKWAY NW
 SUITE 885
 ATLANTA, GA 30328
 Address of Server 1-800-446-8784

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of _____

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Texaco Puerto Rico, Inc.
Registered Agent
Paul rivera
Metro Office Park
Texaco Office Plaza Bldg., Suite 400
Guaynabo, PR 00968

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK

Jose A. Lujan Albino

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>Oct. 9, 2007</u>
NAME OF SERVER (PRINT) <u>ROBERTO DIAZ</u>	TITLE <u>Process Server</u>
Check one box below to indicate appropriate method of service	

☒ Served personally upon the defendant. Place where served:

Tedaco Plaza Building Suite 400
Metro Office Park Gwynneth, GA 30328

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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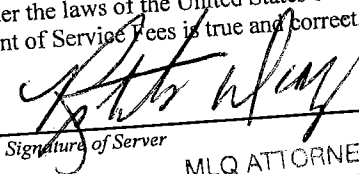
DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

10/10/07
Date

Signature of Server



MLQ ATTORNEY SERVICES
2000 RIVEREDGE PARKWAY NW
SUITE 885

Address of Server
ATLANTA, GA 30328
1-800-446-8784

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO RICO AND
COMMONWEALTH OF PUERTO RICO
THROUGH THE ENVIRONMENTAL
QUALITY BOARD.

Plaintiff,

V.

SHELL OIL COMPANY; ET AL.

Defendants

CIVIL No. 07-1505 (CCC)

RE:

PLAINTIFF DEMANDS TRIAL BY
JURY

**MOTION ASSUMING LEGAL REPRESENTATION AND REQUESTING
EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD**

TO THE HONORABLE COURT:

COMES NOW Defendant, Total Petroleum Puerto Rico Corporation ("TPPR"), through the undersigned attorney and very respectfully states and prays as follows:

1. Plaintiff has filed a 48 page 169 paragraph complaint against TPPR and other defendants which claims environmental damages as a result of an alleged contamination of the waters of the Commonwealth of Puerto Rico due to the use of a gasoline additive known as methyl tertiary butyl, also known as "MTBE".

2. The relevant facts that gave place to the aforementioned complaint span over a significant period of time.

3. Accordingly, TPPR will need approximately thirty (30)

days to gather all relevant information and documents related to this matter and to prepare to defend itself from the complaint filed and to file its answer to the complaint or otherwise plead.

3. TPPR respectfully submits that the extension of time herein requested will not cause prejudice to the parties nor to the effective and timely resolution of the present case.

4. This extension is requested in an attempt to present a complete and adequate responsive position on behalf of TPPR and to allow said party to conclude an investigation of the related facts and applicable law, which will result in a more expeditious resolution of the present case.

WHEREFORE, it is hereby respectfully requested that this Honorable Court grant TPPR a thirty (30) day extension of time or until November 28, 2007 to file its answer to the complaint or any other responsive pleading.

Respectfully submitted.

In San Juan, Puerto Rico, this 29th day of October of 2007.

I hereby certify that a true and exact copy of this motion has been sent by the electronic filing system to all attorneys who have filed appearances in this case.

CARRION & SEPULVADO LAW OFFICES

Attorneys for
Total Petroleum
Puerto Rico Corporation
Citibank Tower
Suite 1202
252 Ponce de Leon Avenue
Hato Rey, P.R. 00918
Phones 787.765.5656
787.765.4949
Fax 787.294.0073

S\ Lee Sepulvado Ramos

Lee Sepulvado Ramos
USDC-PR No. 211912
lsepulvado@cslawpr.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO RICO
AND COMMONWEALTH OF PUERTO
RICO THROUGH THE ENVIRONMENTAL
QUALITY BOARD

Plaintiffs,

v.

SHELL OIL COMPANY, ET. AL.

Defendants.

CIVIL NO. 07-1505 (CCC)

**MOTION FOR EXTENSION OF TIME TO
ANSWER FIRST AMENDED COMPLAINT**

TO THE CLERK OF THE COURT:

COME NOW co-defendants, Shell Oil Company, Shell Chemical Yabucoa, Inc., Shell Trading(US) Company, ESSO Standard Oil Company (Puerto Rico), ExxonMobil Corporation, Chevron Corporation, Chevron Caribbean, Inc., Chevron Estrella Puerto Rico, Inc., Chevron International Oil Company, Inc., Chevron USA, Inc., Chevron Puerto Rico LLC., CITGO Refining and Chemicals Company, L.P., CITGO International Puerto Rico Company, CITGO Petroleum Corporation, ConocoPhillips Company, Equilon Enterprises, LLC, Hess Oil Virgin Islands Corporation, Hovensa LLC, Lyondell Chemical Company, Motiva Enterprises, LLC, Sunoco, Inc., Sunoco, Inc. (R&M), Texaco Puerto Rico, Inc., Texaco Petroleum, Inc., and Texaco Refining and Marketing, Inc.,(hereinafter collectively referred to as “Defendants”), through the undersigned attorneys and for the sole and only purpose of requesting the present extension, without submitting themselves to the Court’s jurisdiction, and very respectfully state, allege and pray as follows:

1. On October 4, 2007, the Commonwealth of Puerto Rico and Commonwealth of Puerto Rico through the Environmental Quality Board (“Commonwealth”) filed the captioned First Amended Complaint.

2. The Commonwealth has executed service of process upon some of the defendants. The term afforded to most of the Defendants to file the Answer to the First Amended Complaint expires on October 29, 2007.

3. Defendants are currently investigating the factual allegations in the First Amended Complaint in order to answer the same or otherwise plead. To conclude this investigation, Defendants require, and respectfully request from the Clerk of this Honorable Court an additional thirty (30) days, up to and including November 28, 2007, to answer or otherwise plead.

WHEREFORE, pursuant to L. Civ. R. 6, Defendants respectfully request that the Clerk of the Court grant Defendants an extension of thirty (30) days, up to and including November 28, 2007, to answer or otherwise plead.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 29TH day of October, 2007.

I hereby certify that on this same date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following attorneys:

Gordon C. Rhea, Esq. (grhea@rpwb.com)

John K. Dema, Esq. (jdema@lojkd.com)

Orlando H. Martínez-Echevarría, Esq. (omartinez@martinezlaw.org)

McCONNELL VALDES, LLC

Attorneys for
SHELL OIL COMPANY,
SHELL CHEMICAL YABUCOA, INC.,
SHELL TRADING(US) COMPANY, EQUILON
ENTERPRISES, LLC., MOTIVA ENTERPRISES,
LLC and the remaining Defendants for purposes of the
remedy requested herein
270 Muñoz Rivera Avenue,
9th Floor
San Juan, Puerto Rico 00918
P.O. Box 364225
San Juan, PR 00936-4225
Tel.: (787) 250-2619/2630
Fax: (787) 759-2792/2782

S/Juan A. Marqués-Díaz

Juan A. Marqués Díaz
USDC-PR No. 211803
jam@mcvpr.com

s/Jan Carlos Rodríguez-Muñoz

Jan Carlos Rodríguez-Muñoz
USDC-PR No. 221704
jcr@mcvpr.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO RICO AND
COMMONWEALTH OF PUERTO RICO
THROUGH THE ENVIRONMENTAL
QUALITY BOARD.

Plaintiff,

V.

SHELL OIL COMPANY; ET AL.

Defendants

CIVIL No. 07-1505 (CCC)

RE:

PLAINTIFF DEMANDS TRIAL BY
JURY

**MOTION ASSUMING LEGAL REPRESENTATION AND REQUESTING
EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD**

TO THE HONORABLE COURT:

COMES NOW Defendant, Total Oil, Inc., ("Total"), through the undersigned attorney and very respectfully states and prays as follows:

1. Plaintiff has filed a 48 page 169 paragraph complaint against Total and other defendants which claims environmental damages as a result of an alleged contamination of the waters of the Commonwealth of Puerto Rico due to the use of a gasoline additive known as methyl tertiary butyl, also known as "MTBE".

2. The relevant facts that gave place to the aforementioned complaint span over a significant period of time.

3. Accordingly, Total will need approximately thirty (30)

days to gather all relevant information and documents related to this matter and to prepare to defend itself from the complaint filed and to file its answer to the complaint or otherwise plead.

3. Total respectfully submits that the extension of time herein requested will not cause prejudice to the parties nor to the effective and timely resolution of the present case.

4. This extension is requested in an attempt to present a complete and adequate responsive position on behalf of Total and to allow said party to conclude an investigation of the related facts and applicable law, which will result in a more expeditious resolution of the present case.

WHEREFORE, it is hereby respectfully requested that this Honorable Court grant Total a thirty (30) day extension of time or until November 29, 2007 to file its answer to the complaint or any other responsive pleading.

Respectfully submitted.

In San Juan, Puerto Rico, this 30th day of October of 2007.

I hereby certify that a true and exact copy of this motion has been sent by the electronic filing system to all attorneys who have filed appearances in this case.

CARRION & SEPULVADO LAW OFFICES

Attorneys for
Total Oil, Inc.
Citibank Tower
Suite 1202
252 Ponce de Leon Avenue
Hato Rey, P.R. 00918
Phones 787.765.5656
787.765.4949
Fax 787.294.0073

S\ Lee Sepulvado Ramos

Lee Sepulvado Ramos

USDC-PR No. 211912

lsepulvado@cslawpr.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO RICO
AND COMMONWEALTH OF PUERTO
RICO THROUGH THE ENVIRONMENTAL
QUALITY BOARD

Plaintiffs,

v.

SHELL OIL COMPANY, ET. AL.

Defendants.

CIVIL NO. 07-1505 (CCC)

MOTION SUBMITTING STIPULATION

TO THE HONORABLE COURT:

COME NOW co-defendants, Shell Oil Company, Shell Chemical Yabucoa, Inc., Shell Trading (US) Company, Equilon Enterprises, and Motiva Enterprises, LLC, (hereinafter collectively referred to as “Defendants”), through the undersigned attorneys, without submitting themselves to the Court’s jurisdiction, and very respectfully state, allege and pray as follows:

1. The Honorable Shira A. Scheindlin has been assigned by the Judicial Panel for Multi District Litigation (“JPML”) to handle certain MTBE related actions which involve the majority of the defendants in the instant action. *In Re: Methyl Tertiary Butyl Ether (“MTBE”) Litigation*, Master File No. 1:00-1898, MDL 1358 (hereinafter “MDL 1358”).

2. The Commonwealth of Puerto Rico and the Commonwealth of Puerto Rico through the Environmental Quality Board, through their counsel Gordon C. Rhea, Esq., and co-defendants ESSO Standard Oil Company (Puerto Rico), ExxonMobil Corporation, Chevron Corporation,

Chevron Caribbean, Inc., Chevron Estrella Puerto Rico, Inc., Chevron International Oil Company, Inc., Chevron USA, Inc., Chevron Puerto Rico LLC., CITGO Refining and Chemicals Company, L.P., CITGO International Puerto Rico Company, CITGO Petroleum Corporation, ConocoPhillips Company, Hess Oil Virgin Islands Corporation, Hovensa LLC, Lyondell Chemical Company, Sunoco, Inc., Sunoco, Inc. (R&M), Texaco Puerto Rico, Inc., Texaco Petroleum, Inc., and Texaco Refining and Marketing, Inc., through Peter John Sacripanti, Esq.,¹ have authorized the undersigned to file the attached *Stipulation Regarding Stay* . See, Exhibit 1.

WHEREFORE, it is respectfully requested that this Honorable Court take notice of the above for all legal purposes and issue an order pursuant to the attached *Stipulation Regarding Stay*.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 1st day of November, 2007.

I hereby certify that on this same date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following attorneys:

Gordon C. Rhea, Esq. (grhea@rpwb.com)

John K. Dema, Esq. (jdema@lojkd.com)

Orlando H. Martínez-Echevarría, Esq. (omartinez@martinezlaw.org)

Lee Sepulvado Ramos (lee_sepulvado@yahoo.com)

Juan A. Marqués Díaz (jam@mcvpr.com)

¹ Peter John Sacripanti's appearance in the *Stipulation Regarding Stay* is as stated in the signature block of such document.

McCONNELL VALDES, LLC

Attorneys for
SHELL OIL COMPANY,
SHELL CHEMICAL YABUCOA, INC.,
SHELL TRADING(US) COMPANY,
EQUILON ENTERPRISES, LLC.,
MOTIVA ENTERPRISES, LLC
270 Muñoz Rivera Avenue,
9th Floor
San Juan, Puerto Rico 00918
P.O. Box 364225
San Juan, PR 00936-4225
Tel.: (787) 250-2619/2630
Fax: (787) 759-2792/2782

s/Juan A. Marqués-Díaz
Juan A. Marqués Díaz
USDC-PR No. 211803
jam@mcvpr.com

s/Jan Carlos Rodríguez-Muñoz
Jan Carlos Rodríguez-Muñoz
USDC-PR No. 221704
jcr@mcvpr.com

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO**

COMMONWEALTH OF PUERTO RICO, et al.,)	
)	
Plaintiffs,)	
)	District Court
v.)	
)	Case No. 07-1505 (ccc)
SHELL OIL COMPANY, et al.)	
)	
Defendants.)	
-----)	

STIPULATION REGARDING STAY

WHEREAS, a conference was held before the Honorable Shira A. Scheindlin on December 19, 2003, and the parties present stipulated on the record, *inter alia*, that MTBE-related actions (such as the instant action) should be stayed and transferred to Judge Scheindlin, sitting in her capacity as the assigned judge for *In Re: Methyl Tertiary Butyl Ether ("MTBE") Litigation*, Master File No. 1:00-1898, MDL 1358 (hereinafter "*MDL No. 1358*"); that counsel would not oppose the issuance of a conditional transfer order by the Judicial Panel for Multidistrict Litigation (subject to and without waiving plaintiff's objections to federal jurisdiction and any defendant's objections to personal jurisdiction); and that all motions for remand which were pending before Judge Scheindlin would then be heard by Judge Scheindlin on an expedited briefing schedule;

WHEREAS, in an Order dated December 23, 2003, Judge Scheindlin, sitting in her capacity as the assigned judge for *MDL No. 1358*, indicated that "all proceedings in the cases set forth in the attached Schedule should be stayed pending transfer to this Court sitting in its capacity as the *MDL No. 1358* court," and set an expedited briefing schedule. *Order* (December 23, 2003) (copy attached hereto as Exhibit 1, with Schedule attached);

WHEREAS, over one hundred MTBE related cases have been transferred to MDL No. 1358 and Judge Scheindlin has issued opinions related to federal jurisdiction over the MTBE cases pending in MDL No. 1358, including *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, 342 F.Supp.2d 147(S.D.N.Y. March 16, 2004); *In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, 341 F.Supp.2d 351 (S.D.N.Y. July 13, 2004); *In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation*, 341 F.Supp.2d 386 (S.D.N.Y. Sept. 3, 2004); *In re MTBE Products Liability Litigation*, 364 F.Supp.2d 329 (S.D.N.Y. Nov. 4, 2004); *In re MTBE Products Liability Litigation*, 2005 U.S. Dist. LEXIS 20296 (S.D.N.Y. Sept. 16, 2005); and

WHEREAS Defendant Exxon Mobil Corporation has filed a Notice of Relatedness with the Judicial Panel for Multidistrict Litigation ("JPML") on October 26, 2007; and counsel for Plaintiffs and Defendants are in agreement that it is more efficient for this case to be stayed until a JPML decision is made regarding whether this case should be transferred to MDL 1358; it is hereby

STIPULATED THAT, this action shall be stayed for thirty (30) days following a decision by the JPML as to whether this case should be transferred to the Honorable Shira A. Scheindlin in her capacity as the assigned judge for *MDL No. 1358*. Accordingly, during the pendency of this stay no Defendant is obligated to file any pleading in response to the Complaint. Provided, however, there is an express exception to the stay for Plaintiff to file ministerial papers such as those relating to service of process. Further provided no Defendant shall waive any affirmative defenses or objections, including personal jurisdiction defenses, by entering into this stipulation.

*

*

Dated: October 29, 2007

FOR PLAINTIFFS

/s/ Gordon C. Rhea

Orlando H. Martinez, Esq.
ORLANDO H. MARTINEZ LAW
OFFICES
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, Puerto Rico 00907


John K. Dema, Esq.
LAW OFFICES OF JOHN K. DEMA, P.C.
1236 Strand Street, Suite 103
Christiansted, St. Croix
U.S. Virgin Islands 00820-5008

Gordon C. Rhea, Esq.
RICHARDSON, PATRICK,
WESTBROOK & BRICKMAN, L.L.C.
1037 Chuck Dawley Boulevard, Bldg. A
Mt. Pleasant, South Carolina 29465

Roberto Sanchez Ramos, Esq.
Secretary of Justice
Commonwealth of Puerto Rico

*Counsel for Commonwealth of Puerto Rico
and Commonwealth of Puerto Rico through
the Environmental Quality Board*

FOR DEFENDANTS



Peter John Sacripanti
James A. Pardo

Stephen J. Riccardulli
McDERMOTT WILL & EMERY LLP
340 Madison Avenue
New York, NY 10173
212-547-5400
212-547-5444 (Facsimile)

*Counsel for Defendants ESSO Standard Oil
Company (Puerto Rico), ExxonMobil Chemical
Company, ExxonMobil Corporation,
ExxonMobil Oil Corporation and Mobil
Corporation and as authorized by and on
behalf of the following Defendants:*

Chevron Corporation
Chevron Caribbean, Inc.
Chevron Estrella Puerto Rico, Inc.
Chevron International Oil Company, Inc.
Chevron USA, Inc.
Chevron Puerto Rico, LLC
CITGO Refining and Chemicals Company L.P.
CITGO International Puerto Rico Company
CITGO Petroleum Corporation
ConocoPhillips Company
Equilon Enterprises, LLC
Hess Oil Virgin Islands Corporation
Hovensa LLC
Lyondell Chemical Company
Motiva Enterprises, LLC
Shell Oil Company
Shell Chemical Yabucoa, Inc.
Shell Trading (US) Company
Sunoco, Inc.
Sunoco, Inc. (R&M)
Texaco Puerto Rico, Inc.
Texaco Petroleum, Inc.

Texaco Refining and Marketing, Inc.

SO ORDERED:

Dated: _____

NYK 1128608-1.037771.0188

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

ORDER
Master File C.A. No.
1:00-1898(SAS)
MDL 1358

This document refers to:

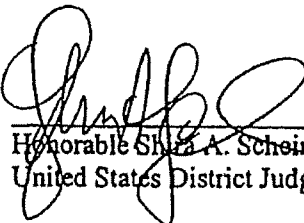
County of Nassau v. Amerada Hess Corp., et al., No. 03-cv-9543
Water Authority of Western Nassau County v. Amerada Hess Corp., et al., No. 03-cv-9544
Incorporated Village of Mineola, et al. v. AGIP Inc., et al., No. 03-cv-10051
West Hempstead Water District v. AGIP Inc., et al., No. 03-cv-10052
Carle Place Water District v. AGIP Inc., et al., No. 03-cv-10053
Town of Southampton v. AGIP Inc., et al., No. 03-cv-10054
Village of Hempstead v. AGIP Inc., et al., No. 03-cv-10055
Town of East Hampton v. AGIP Inc., et al., No. 03-cv-10056
Westbury Water District v. AGIP Inc., et al., No. 03-cv-10057

The Court, upon hearing counsel for plaintiffs and certain defendants at a conference in the above-referenced cases in response to defendants' motions to stay proceedings in these cases and plaintiffs' motions for their remand, and upon stipulations there agreed to on the record by the parties present, finds, in the above-captioned proceeding, that it is appropriate for the issues presented by these motions in these and all similar removed actions, wherever filed, to be heard and decided by this Court.

Accordingly, all proceedings in the cases set forth in the attached Schedule should be stayed pending transfer to this Court sitting in its capacity as the MDL No. 1358 court. This Court respectfully requests that all courts to which the scheduled cases have been removed GRANT ALL MOTIONS TO STAY those cases pending transfer to MDL No. 1358.

The parties have agreed to the following consolidated briefing schedule, which is hereby So Ordered: defendants' opposition to plaintiffs' motion to remand shall be served and filed by January 16, 2004, and plaintiffs' reply in further support of the motion to remand shall be served and filed by January 27, 2004. Defendants' motion to stay in the above-referenced cases is DENIED because this Court will consider and decide the consolidated motion to remand forthwith.

Dated: December 23, 2003


Honorable Shira A. Scheindlin
United States District Judge

SCHEDULE

State	Short Case Name	Date Removed	Court/Index No.	Assigned Judge
CA	<i>California-American Water Co. v. Unocal Corp., et al.</i>	11/26/03	N.D. Cal. C 03-5379 JSW	Jeffrey S. White
CA	<i>City of Fresno v. Chevron U.S.A. Inc., et al.</i>	11/26/03	N.D. Cal. C 03-5378 JSW	Jeffrey S. White
CA	<i>City of Riverside v. Atlantic Richfield Co., et al.</i>	12/12/03	C.D. Cal. EDCV03-1460 RT SGLx	Robert J. Timlin
CA	<i>City of Roseville v. Atlantic Richfield Company, et al.</i>	Not yet removed		
CA	<i>Orange County Water District v. Unocal Corp., et al. (Amended)</i>	12/05/03	C.D. Cal. SACV03-1742 JVS (ANx)	James V. Selna
CA	<i>People v. Unocal Corp., et al.</i>	12/10/03	E.D. Cal. CIV.S-03-2653 GEB DAD	Garland E. Burrell, Jr.
CA	<i>Quincy Community Services District v. Atlantic Richfield Co., et al.</i>	12/17/03	E.D. Cal. CIV S-03-2582 WBS DAD	Hon. William B. Shubb
CA	<i>Silver, et al. v. Alon USA Energy, Inc., et al.</i>	12/03/03	S.D. Cal. 03 CV 2408 WQH (RBB)	William Q. Hayes
CT	<i>American Distilling & Mfg. Co., Inc. v. Amerada Hess Corp., et al.</i>	11/10/03	D. Conn. 3:03-CV-1926	Hon. Stefan R. Underhill
CT	<i>Canton Bd. of Education v. Amerada Hess, et al.</i>	11/10/03	D. Conn. 3:03-CV-1921	Hon. Stefan R. Underhill
CT	<i>Childhood Memories v. Amerada Hess, et al.</i>	11/10/03	D. Conn. 3:03-CV-1924	Hon. Alvin W. Thompson
CT	<i>Columbia Bd. of Education v. Amerada Hess, et al.</i>	11/10/03	D. Conn. 3:03-CV-1923	Hon. Stefan R. Underhill
CT	<i>Our Lady of Rosary Chapel v. Amerada Hess Corp., et al.</i>	11/10/03	D. Conn. 3:03-CV-1925	Hon. Stefan R. Underhill
CT	<i>Town of East Hampton v. Amerada Hess Corp., et al.</i>	11/10/03	D. Conn. 3:03-CV-1927	Hon. Stefan R. Underhill
CT	<i>United Water Connecticut, Inc. v. Amerada Hess Corp., et al.</i>	11/10/03	D. Conn.	Hon. Stefan R. Underhill

State	Short Case Name	Date Removed	Court/Index No.	Assigned Judge
			3:03-CV-2017	
FL	<i>Escambia County Utilities Auth. v. Adcock Petroleum, Inc., et al.</i>	11/25/03	N.D. Fla. (Pensacola) 3:03-CV-539	Hon. L.A. Collier Hon. M. Davis, U.S.M.J.
IA	<i>City of Galva, Ida Grove & Sioux City v. Amerada Hess Corp., et al.</i>	11/24/03	S.D. Iowa 4:03-CV-90663	Hon. Robert W. Pratt
IL	<i>City of Crystal Lake v. Amerada Hess Corp.</i>	12/12/03	N.D. Ill. (Eastern Div.) 03-CV-8973	Hon. George W. Lindberg
IN	<i>City of Mishawaka v. Amerada Hess Corporation, et al.</i>	12/12/03	N.D. Ind. (South Bend) 3:03-CV-904	Hon. Robert Miller, Jr.
IN	<i>City of Rockport v. Amerada Hess Corp., et al.</i>	11/21/03	S.D. Ind. (Evansville) 3:03-CV-201	Hon. Richard L. Young Hon. William G. Hussmann, Jr., U.S.M.J.
IN	<i>North Newton School Corporation v. Amerada Hess Corporation, et al.</i>	12/12/03	N.D. Ind. (Lafayette) 4:03-CV-013	Hon. Allen Sharp
IN	<i>City of South Bend v. Amerada Hess Corporation, et al.</i>	12/12/03	N.D. Ind. (South Bend) 3:03-CV-905	Hon. Allen Sharp
KS	<i>Chisholm Creek Utility Auth. v. Alon USA Energy, Inc., et al.</i>	12/15/03	D. Kan. 03-CV-1457	Hon. Wesley E. Brown
KS	<i>City of Bel Aire v. Alon USA Energy, Inc., et al.</i>	12/15/03	D. Kan. 03-CV-1458	Hon. Wesley E. Brown
KS	<i>City of Dodge City v. Alon USA Energy, Inc., et al.</i>	12/15/03	D. Kan. 03-CV-1456	Hon. Monti L. Belot
KS	<i>City of Park City v. Alon USA Energy, Inc.</i>	12/15/03	D. Kan. 03-CV-1455	Hon. Thomas J. Marten
MA	<i>Brimfield Housing Auth v Amerada Hess Corp., et al.</i>	11/26/03	D. Mass. 03-CV-12399	Hon. Richard G. Stearns
NH	<i>City of Dover v. Amerada Hess Corporation, et al.</i>	Not yet removed		

State	Short Case Name	Date Removed	Court/ Index No.	Assigned Judge
NH	<i>City of Portsmouth v. Amerada Hess Corporation, et al.</i>	Not yet removed		
NH	<i>State of New Hampshire v. Amerada Hess Corp., et al.</i>	09/30/03	D.R.I. 03-CV-529	Hon. Ronald R. Lagueux
NJ	<i>NJ American Water Co., Inc. v. Amerada Hess Corp., et al.</i>	11/24/03	D.N.J. 03-CV-5562	Hon. William G. Bassler
NY	<i>Carle Place Water District v. AGIP Inc., et al.</i>	12/18/03	S.D.N.Y. 03-cv-10053	Hon. Shira A. Scheindlin
NY	<i>County of Nassau v. Amerada Hess Corp., et al.</i>	12/02/03	S.D.N.Y. 03-CV-9543	Hon. Shira A. Scheindlin
NY	<i>Long Island Water Corp. v. Amerada Hess, et al.</i>	12/04/03	E.D.N.Y. 03-CV-6125	Hon. Arthur D. Spatt Hon. Michael L. Orenstein, U.S.M.J.
NY	<i>Town of East Hampton v. AGIP Inc., et al.</i>	12/18/03	S.D.N.Y. 03-cv-10056	Hon. Shira A. Scheindlin
NY	<i>Town of Southampton v. AGIP Inc, et al.</i>	12/18/03	S.D.N.Y. 03-cv-10054	Hon. Shira A. Scheindlin
NY	<i>Village of Mineola; Water Dept. of Village of Mineola v. AGIP Inc., et al.</i>	12/18/03	S.D.N.Y. 03-cv-10051	Hon. Shira A. Scheindlin
NY	<i>Water Authority of Great Neck North v. Amerada Hess Corp., et al.</i>	10/28/03	E.D.N.Y. 03-CV-6077	Hon. Arthur D. Spatt Hon. Michael L. Orenstein, U.S.M.J.
NY	<i>Water Authority of Western Nassau County v. Amerada Hess, et al.</i>	10/01/03	S.D.N.Y. 03-CV-9544	Hon. Shira A. Scheindlin
NY	<i>Westbury Water District v. AGIP Inc., et al.</i>	12/18/03	S.D.N.Y. 03-cv-10057	Hon. Shira A. Scheindlin
NY	<i>West Hempstead Water District v AGIP Inc., et al.</i>	12/18/03	S.D.N.Y. 03-cv-10052	Hon. Shira A. Scheindlin
NY	<i>Village of Hempstead v. AGIP Inc., et al.</i>	12/18/03	S.D.N.Y. 03-cv-10055	Hon. Shira A. Scheindlin
PA	<i>Pennsylvania Suburban Water Co v. Sunoco, Inc.</i>	Not yet removed		

State	Short Case Name	Date Reopened	Court/Index No.	Assigned Judge
VA	<i>Buchanan County School Board v. Amerada Hess Corporation</i>	Not yet removed		
VA	<i>Greensville Co. Water & Sewer Authority v. Amerada Hess Corporation</i>	Not yet removed		
VA	<i>Patrick County Sch. Board v. Amerada Hess Corp., et al.</i>	Not yet removed		
VT	<i>Town of Harland, County of Windsor, Vermont Water System v. Amerada Hess Corp., et al.</i>	12/11/03	D. Vt. 2:03-CV-337	Hon. William K. Sessions, III

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Puerto Rico

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V.
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Hess Oil Virgin Islands Corporation
1185 Avenue of the Americas
New York, NY 10036-2601

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 5 2007

CLERK

SARAH V. RAMON
DEPUTY CLERK

DATE

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

-----X
COMMONWEALTH OF PUERTO RICO,
ET AL.,

Case No. 07-CV-1505 (CCC)

Plaintiff(s),

-against-

SHELL OIL COMPANY, ET AL.,

**AFFIDAVIT OF
ATTEMPTED SERVICE**

Defendant(s).

-----X
STATE OF NEW YORK)
 :
COUNTY OF NEW YORK)

JASON AGEE, being duly sworn, deposes and says that he is an agent of MLQ ATTORNEY SERVICES, INC., is a citizen of the United States, is over the age of eighteen years and is not a party to the action.

That on the 9th day of October, 2007, at approximately 1:40 p.m., deponent attempted to serve a true copy of the **Summons and First Amended Complaint (with the Complaint as an Exhibit)** upon Hess Oil Virgin Islands Corporation c/o Hess Oil at 1185 Avenue of the Americas, New York, New York 10036. I spoke to a member of the Legal Department for Hess Oil who said that they cannot accept service on behalf of this defendant.

Sworn to before me this
18th day of October, 2007


JASON AGEE #1196790


MICHAEL J. KEATING
NOTARY PUBLIC, STATE OF NEW YORK
Reg. No. 01-KE-4851559
Qualified in New York County
Commission expires February 3, 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO RICO
and COMMONWEALTH OF PUERTO
RICO through the ENVIRONMENTAL
QUALITY BOARD

Plaintiff

vs

CIVIL 07-1505CCC

SHELL OIL COMPANY;
SHELL COMPANY PUERTO RICO LTD.
SHELL CHEMICAL YABUCOA, INC.
SHELL TRADING (US) COMPANY
MOTIVA ENTERPRISES, LLC
EQUILON ENTERPRISES, LLC
CHEVRON CORPORATION
CHEVRON U.S.A., INC.
CHEVRON PUERTO RICO, LLC
TEXACO PUERTO RICO, INC.
CHEVRON PHILLIPS
CHEMICAL PUERTO RICO CORE, INC.
TEXACO PETROLEUM, INC.
CHEVRON INTERNATIONAL OIL
COMPANY, INC.
TEXACO REFINING AND MARKETING,
INC.
CHEVRON CARIBBEAN, INC.
CHEVRON ESTRELLA PUERTO RICO,
INC.
ESSO STANDARD OIL COMPANY
(PUERTO RICO)
EXXONMOBIL CORPORATION
HOVENSA L.L.C.
HESS OIL VIRGIN ISLANDS
CORPORATION
SUNOCO, INC.
SUNOCO, INC. (R & M)
PUERTO RICO SUN OIL COMPANY, LLC
CONOCOPHILLIPS COMPANY
CITGO INTERNATIONAL PR.
CITGO PETROLEUM CORPORATION
TOTAL PETROLEUM PUERTO RICO
CORPORATION
TOTAL OIL INC.
LYONDELL CHEMICAL COMPANY
and DOES 1-99

Defendants

CIVIL 07-1505CCC

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O R D E R

Having considered the Motion Submitting Stipulation (**docket entry 35**) filed on November 1, 2007 and exhibit 1 attached thereto (stipulation regarding stay), the same is GRANTED as to the following co-defendants:

Chevron Corporation
Chevron Caribbean, Inc.
Chevron Estrella Puerto Rico, Inc.
Chevron International Oil Company, Inc.
Chevron USA, Inc.
Chevron Puerto Rico, LLC
CITGO Refining and Chemicals Company L.P.
CITGO International Puerto Rico Company
CITGO Petroleum Corporation
Conoco Phillips Company
Equilon Enterprises, LLC
Hess Oil Virgin Islands Corporation
Hovensa LLC
Lyondell Chemical Company
Motiva Enterprises, LLC
Shell Oil Company
Shell Chemical Yabucoa, Inc.
Shell Trading (US) Company
Sunoco, Inc.
Sunoco, Inc. (R & M)
Texaco Puerto Rico, Inc.
Texaco Petroleum, Inc.
Texaco Refining and Marketing, Inc.

Accordingly, the present action is STAYED until the Judicial Panel for Multi District Litigation (JPML) reaches a decision regarding whether this case should be transferred to MDL 1358 and continued transferred for thirty days following a decision by the JPML as to whether this case should be transferred to U.S. District Judge Shira A. Scheindlin in her capacity as the assigned judge for MDL 1358. During the stay defendants listed above are exempted from filing pleadings in response to the complaint. The stay does not apply to the filing of ministerial papers such as service of process.

SO ORDERED. At San Juan, Puerto Rico, on November 5, 2007.

S/CARMEN CONSUELO CEREZO
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO RICO
and COMMONWEALTH OF PUERTO
RICO through the ENVIRONMENTAL
QUALITY BOARD

Plaintiff

vs

CIVIL 07-1505CCC

SHELL OIL COMPANY;
SHELL COMPANY PUERTO RICO LTD.
SHELL CHEMICAL YABUCOA, INC.
SHELL TRADING (US) COMPANY
MOTIVA ENTERPRISES, LLC
EQUILON ENTERPRISES, LLC
CHEVRON CORPORATION
CHEVRON U.S.A., INC.
CHEVRON PUERTO RICO, LLC
TEXACO PUERTO RICO, INC.
CHEVRON PHILLIPS
CHEMICAL PUERTO RICO CORE, INC.
TEXACO PETROLEUM, INC.
CHEVRON INTERNATIONAL OIL
COMPANY, INC.
TEXACO REFINING AND MARKETING,
INC.
CHEVRON CARIBBEAN, INC.
CHEVRON ESTRELLA PUERTO RICO,
INC.
ESSO STANDARD OIL COMPANY
(PUERTO RICO)
EXXONMOBIL CORPORATION
HOVENSA L.L.C.
HESS OIL VIRGIN ISLANDS
CORPORATION
SUNOCO, INC.
SUNOCO, INC. (R & M)
PUERTO RICO SUN OIL COMPANY, LLC
CONOCOPHILLIPS COMPANY
CITGO INTERNATIONAL PR.
CITGO PETROLEUM CORPORATION
TOTAL PETROLEUM PUERTO RICO
CORPORATION
TOTAL OIL INC.
LYONDELL CHEMICAL COMPANY
and DOES 1-99

Defendants

CIVIL 07-1505CCC

2

AMENDED ORDER

Having considered the Motion Submitting Stipulation (**docket entry 35**) filed on November 1, 2007 and exhibit 1 attached thereto (stipulation regarding stay), the same is GRANTED as to the following co-defendants:

ESSO Standard Oil Company (Puerto Rico)
ExxonMobil Chemical Company
ExxonMobil Corporation
ExxonMobil Oil Corporation
Mobil Corporation
Chevron Corporation
Chevron Caribbean, Inc.
Chevron Estrella Puerto Rico, Inc.
Chevron International Oil Company, Inc.
Chevron USA, Inc.
Chevron Puerto Rico, LLC
CITGO Refining and Chemicals Company L.P.
CITGO International Puerto Rico Company
CITGO Petroleum Corporation
Conoco Phillips Company
Equilon Enterprises, LLC
Hess Oil Virgin Islands Corporation
Hovensa LLC
Lyondell Chemical Company
Motiva Enterprises, LLC
Shell Oil Company
Shell Chemical Yabucoa, Inc.
Shell Trading (US) Company
Sunoco, Inc.
Sunoco, Inc. (R & M)
Texaco Puerto Rico, Inc.
Texaco Petroleum, Inc.
Texaco Refining and Marketing, Inc.

Accordingly, the present action is STAYED until the Judicial Panel for Multi District Litigation (JPML) reaches a decision regarding whether this case should be transferred to MDL 1358 and continued transferred for thirty days following a decision by the JPML as to whether this case should be transferred to U.S. District Judge Shira A. Scheindlin in her

CIVIL 07-1505CCC

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capacity as the assigned judge for MDL 1358. During the stay defendants listed above are exempted from filing pleadings in response to the complaint. The stay does not apply to the filing of ministerial papers such as service of process.

SO ORDERED. At San Juan, Puerto Rico, on November 5, 2007.

S/CARMEN CONSUELO CEREZO
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO RICO)
and COMMONWEALTH OF PUERTO)
RICO through the ENVIRONMENTAL)
QUALITY BOARD,)

Plaintiffs,)

v.)

SHELL OIL COMPANY; SHELL)
COMPANY PUERTO RICO LTD.; SHELL)
CHEMICAL YABUCOA, INC.; SHELL)
TRADING (US) COMPANY; MOTIVA)
ENTERPRISES, LLC; EQUILON)
ENTERPRISES, LLC; CHEVRON)
CORPORATION; CHEVRON, U.S.A., INC.;)
CHEVRON PUERTO RICO, LLC;)
TEXACO PUERTO RICO, INC.;)
CHEVRON PHILLIPS; CHEMICAL)
PUERTO RICO CORE, INC.; TEXACO)
PETROLEUM, INC.; CHEVRON)
INTERNATIONAL OIL COMPANY, INC.;)
TEXACO REFINING AND MARKETING,)
INC.; CHEVRON CARIBBEAN, INC.;)
CHEVRON ESTRELLA PUERTO RICO,)
INC.; ESSO STANDARD OIL COMPANY)
(PUERTO RICO); EXXONMOBIL)
CORPORATION; HOVENSA L.L.C.;)
HESS OIL VIRGIN ISLANDS)
CORPORATION; SUNOCO, INC.;)
SUNOCO INC. (R&M); PUERTO RICO)
SUN OIL COMPANY, LLC;)
CONOCOPHILLIPS COMPANY; CITGO)
REFINING AND CHEMICAL COMPANY,)
LP; CITGO INTERNATIONAL P.R.;)
CITGO PETROLEUM CORPORATION;)
TOTAL PETROLEUM PUERTO RICO)
CORPORATION; TOTAL OIL INC.;)
LYONDELL CHEMICAL COMPANY;)
and DOES 1-99;)

Defendants.)

District Court

Case No.07-1505 (ccc)

APPLICATION AND ORDER FOR ADMISSION PRO HAC VICE

Comes now, Michael Axline, applicant herein, and respectfully states:

1. Applicant is an attorney and a member of the law firm of Miller, Axline & Sawyer with offices at:

Address:	1050 Fulton Avenue
	Sacramento, CA 95825
E-mail:	maxline@toxictorts.org
Telephone No.:	916-488-6688
Fax No.:	916-488-4288

2. Applicant will sign all pleadings with the name Michael Axline.

3. Applicant has been retained personally or as a member of the above-named firm by The Commonwealth of Puerto Rico to provide legal representation in connection with the above-styled matter now pending before the United States District Court for the District of Puerto Rico.

4. Since 2003, applicant has been and presently is a member in good standing with the California Bar, where applicant regularly practices law. Applicant's state bar license number is 229840.

5. Applicant has been admitted to practice before the following courts:

Idaho Bar

Oregon Bar

California Bar

U.S. District Court for the District of Oregon

U.S. District Court for the Eastern District of California

U.S. District Court for the District of Columbia

U.S. District Court for the District of Illinois

United States Court of Appeals for the Ninth Circuit

United States Court of Appeals for the Second Circuit

United States Supreme Court

6. Applicant is a member in good standing of the bars of the courts listed in paragraph 5.
7. Applicant is not currently suspended from the practice of law before any court or jurisdiction.
8. Applicant is not currently the subject of any complaint for unethical conduct, disciplinary proceeding or criminal charges before any court or jurisdiction.
9. Applicant has not previously filed for pro hac vice admission in the United States District Court for the District of Puerto Rico.
10. Local Counsel of record associated with applicant in this matter is:

Name: Orlando Martinez

USDC-PR Bar No. 213052

Address: Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, Puerto Rico 00907

E-mail: omartinez@martinezlawn.com

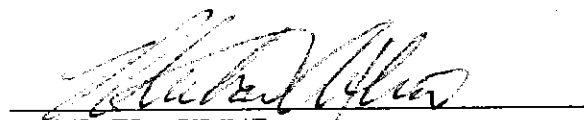
Telephone No.: (787) 722-2378

Fax No.: (787) 724-0353
11. Applicant has read the local rules of the court and will comply with same.
12. Applicant has read Local Rules of the United States District Court for the District of

Puerto Rico which provide in part that attorneys appearing pro hac vice must comply with the provisions set forth therein and pay an admission fee of \$150.00 per appearance in each new case before the court. Accordingly, payment of the pro hac vice admission fee is attached hereto in the form of a check or money order payable to: "Clerk, U.S. District Court."

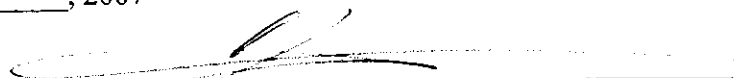
WHEREFORE, applicant respectfully requests to be admitted to practice in the United States District Court for the District of Puerto Rico for the above-styled case only.

DATED: October 23rd, 2007


MICHAEL AXLINE

I HEREBY CERTIFY, pursuant to Local Rule 83.1(f), that I consent to the designation of local counsel of record for all purposes.

DATED: November 7, 2007


Orlando Martinez

I HEREBY CERTIFY that I have served a true and correct copy of this document upon each attorney of record and the original upon the Clerk of the Court accompanied by a \$150.00 pro hac vice admission fee.


MICHAEL AXLINE

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO RICO)
and COMMONWEALTH OF PUERTO)
RICO through the ENVIRONMENTAL)
QUALITY BOARD,)

Plaintiffs,)

v.)

SHELL OIL COMPANY; SHELL)
COMPANY PUERTO RICO LTD.; SHELL)
CHEMICAL YABUCOA, INC.; SHELL)
TRADING (US) COMPANY; MOTIVA)
ENTREPRISES, LLC; EQUILON)
ENTERPRISES, LLC; CHEVRON)
CORPORATION; CHEVRON, U.S.A., INC.;)
CHEVRON PUERTO RICO, LLC;)
TEXACO PUERTO RICO, INC.;)
CHEVRON PHILLIPS; CHEMICAL)
PUERTO RICO CORE, INC.; TEXACO)
PETROLEUM, INC.; CHEVRON)
INTERNATIONAL OIL COMPANY, INC.;)
TEXACO REFINING AND MARKETING,)
INC.; CHEVRON CARIBBEAN, INC.;)
CHEVRON ESTRELLA PUERTO RICO,)
INC.; ESSO STANDARD OIL COMPANY)
(PUERTO RICO); EXXONMOBIL)
CORPORATION; HOVENSA L.L.C.;)
HESS OIL VIRGIN ISLANDS)
CORPORATION; SUNOCO, INC.;)
SUNOCO INC. (R&M); PUERTO RICO)
SUN OIL COMPANY, LLC;)
CONOCOPHILLIPS COMPANY; CITGO)
REFINING AND CHEMICAL COMPANY,)
LP; CITGO INTERNATIONAL P.R.;)
CITGO PETROLEUM CORPORATION;)
TOTAL PETROLEUM PUERTO RICO)
CORPORATION; TOTAL OIL INC.;)
LYONDELL CHEMICAL COMPANY;)
and DOES 1-99;)

Defendants.)

District Court

Case No.07-1505 (ccc)

APPLICATION AND ORDER FOR ADMISSION PRO HAC VICE

Comes now, Duane C. Miller, applicant herein, and respectfully states:

1. Applicant is an attorney and a member of the law firm of Miller, Axline & Sawyer with offices at:

Address:	1050 Fulton Avenue
	Sacramento, CA 95825
E-mail:	dmiller@toxictorts.org
Telephone No.:	916-488-6688
Fax No.:	916-488-4288

2. Applicant will sign all pleadings with the name Duane C. Miller.

3. Applicant has been retained personally or as a member of the above-named firm by The Commonwealth of Puerto Rico to provide legal representation in connection with the above-styled matter now pending before the United States District Court for the District of Puerto Rico.

4. Since 1973, applicant has been and presently is a member in good standing with the California Bar, where applicant regularly practices law. Applicant's state bar license number is 57812.

5. Applicant has been admitted to practice before the following courts:

U.S. District Court for the Eastern District of California

United States Court of Appeals for the Ninth Circuit

United States Supreme Court

6. Applicant is a member in good standing of the bars of the courts listed in paragraph 5.

7. Applicant is not currently suspended from the practice of law before any court or jurisdiction.

8. Applicant is not currently the subject of any complaint for unethical conduct, disciplinary proceeding or criminal charges before any court or jurisdiction.

9. Applicant has not previously filed for pro hac vice admission in the United States District Court for the District of Puerto Rico.

10. Local Counsel of record associated with applicant in this matter is:

Name: Orlando Martinez

USDC-PR Bar No. 213052

Address: Centro de Seguros, Suite 413

701 Ponce de Leon Avenue

San Juan, Puerto Rico 00907

E-mail: omartinez@martinezlaw.com

Telephone No.: (787) 722-2378

Fax No.: (787) 724-0353

11. Applicant has read the local rules of the court and will comply with same.

12. Applicant has read Local Rules of the United States District Court for the District of Puerto Rico which provide in part that attorneys appearing pro hac vice must comply with the provisions set forth therein and pay an admission fee of \$150.00 per appearance in each new case before the court. Accordingly, payment of the pro hac vice admission fee is attached hereto in the form of a check or money order payable to: "Clerk, U.S. District Court."

WHEREFORE, applicant respectfully requests to be admitted to practice in the United States District Court for the District of Puerto Rico for the above-styled case only.

DATED: October 23, 2007


DUANE C. MILLER

I HEREBY CERTIFY, pursuant to Local Rule 83.1(f), that I consent to the designation of local counsel of record for all purposes.

DATED: Novemb. 7, 2007


Orlando Martinez

I HEREBY CERTIFY that I have served a true and correct copy of this document upon each attorney of record and the original upon the Clerk of the Court accompanied by a \$150.00 pro hac vice admission fee.


DUANE C. MILLER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO RICO AND
COMMONWEALTH OF PUERTO RICO
THROUGH THE ENVIRONMENTAL
QUALITY BOARD.

Plaintiff,

V.

SHELL OIL COMPANY; ET AL.

Defendants

CIVIL No. 07-1505 (CCC)

RE:

PLAINTIFF DEMANDS TRIAL BY
JURY

MOTION REQUESTING ADDITIONAL EXTENSION
OF TIME TO ANSWER OR OTHERWISE PLEAD

TO THE HONORABLE COURT:

COMES NOW Defendant, Total Petroleum Puerto Rico Corp., ("Total"), through the undersigned attorney and very respectfully states and prays as follows:

1. Plaintiff has filed a 48 page 169 paragraph complaint against Total and other defendants which claims environmental damages as a result of an alleged contamination of the waters of the Commonwealth of Puerto Rico due to the use of a gasoline additive known as methyl tertiary butyl, also known as "MTBE".

2. The relevant facts that gave place to the aforementioned complaint span over a significant period of time.

3. Accordingly, Total will need an additional extension of

time of approximately thirty (30) days to gather all relevant information and documents related to this matter and to prepare to defend itself from the complaint filed and to file its answer to the complaint or otherwise plead.

3. Total respectfully submits that the extension of time herein requested will not cause prejudice to the parties nor to the effective and timely resolution of the present case.

4. This extension is requested in an attempt to present a complete and adequate responsive position on behalf of Total and to allow said party to conclude an investigation of the related facts and applicable law, which will result in a more expeditious resolution of the present case.

WHEREFORE, it is hereby respectfully requested that this Honorable Court grant Total a thirty (30) day extension of time or until December 28, 2007 to file its answer to the complaint or any other responsive pleading.

Respectfully submitted.

In San Juan, Puerto Rico, this 28th day of November of 2007.

I hereby certify that a true and exact copy of this motion has been sent by the electronic filing system to all attorneys who have filed appearances in this case.

CARRION & SEPULVADO LAW OFFICES

Attorneys for
Total Petroleum
Puerto Rico Corp.
Citibank Tower
Suite 1202
252 Ponce de Leon Avenue
Hato Rey, P.R. 00918
Phones 787.765.5656
787.765.4949
Fax 787.294.0073

S\ Lee Sepulvado Ramos
Lee Sepulvado Ramos
USDC-PR No. 211912
lsepulvado@cslawpr.com

S\ Iván Aponte Figueroa
Iván Aponte Figueroa
USDC-PR No. 224809
iaponte@cslawpr.com

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO RICO AND
COMMONWEALTH OF PUERTO RICO
THROUGH THE ENVIRONMENTAL
QUALITY BOARD.

Plaintiff,

V.

SHELL OIL COMPANY; ET AL.

Defendants

CIVIL No. 07-1505 (CCC)

RE:

PLAINTIFF DEMANDS TRIAL BY
JURY

**MOTION REQUESTING ADDITIONAL EXTENSION
OF TIME TO ANSWER OR OTHERWISE PLEAD**

TO THE HONORABLE COURT:

COMES NOW Defendant, Total Oil, Inc., ("Total"), through the undersigned attorney and very respectfully states and prays as follows:

1. Plaintiff has filed a 48 page 169 paragraph complaint against Total and other defendants which claims environmental damages as a result of an alleged contamination of the waters of the Commonwealth of Puerto Rico due to the use of a gasoline additive known as methyl tertiary butyl, also known as "MTBE".

2. The relevant facts that gave place to the aforementioned complaint span over a significant period of time.

3. Accordingly, Total will need an additional extension of

time of approximately thirty (30) days to gather all relevant information and documents related to this matter and to prepare to defend itself from the complaint filed and to file its answer to the complaint or otherwise plead.

3. Total respectfully submits that the extension of time herein requested will not cause prejudice to the parties nor to the effective and timely resolution of the present case.

4. This extension is requested in an attempt to present a complete and adequate responsive position on behalf of Total and to allow said party to conclude an investigation of the related facts and applicable law, which will result in a more expeditious resolution of the present case.

WHEREFORE, it is hereby respectfully requested that this Honorable Court grant Total a thirty (30) day extension of time or until December 28, 2007 to file its answer to the complaint or any other responsive pleading.

Respectfully submitted.

In San Juan, Puerto Rico, this 29th day of November of 2007.

I hereby certify that a true and exact copy of this motion has been sent by the electronic filing system to all attorneys who have filed appearances in this case.

CARRION & SEPULVADO LAW OFFICES

Attorneys for
Total Oil Inc.
Citibank Tower
Suite 1202
252 Ponce de Leon Avenue
Hato Rey, P.R. 00918
Phones 787.765.5656
787.765.4949
Fax 787.294.0073

S\ Lee Sepulvado Ramos
Lee Sepulvado Ramos
USDC-PR No. 211912
lsepulvado@cslawpr.com

S\ Iván Aponte Figueroa
Iván Aponte Figueroa
USDC-PR No. 224809
iaponte@cslawpr.com

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
District of Puerto Rico**

Case Number: 07-1505 (CCC)

Plaintiff:

Commonwealth of Puerto Rico et al.

vs.

Defendant:

Shell Oil Company, et al.

For:

Orlando Martinez, Esquire
Orlando H. Martinez Law Offices
Centro De Seguros, Suite 413
701 Ponce De Leon Avenue
San Juan, PR 00907

Received by MLQ Attorney Services to be served on **Chevron U.S.A., Inc. c/o CT Corporation System, 1515 Market Street, Suite 1210, Philadelphia, PA 19102.**

I, Andrew Gerber, being duly sworn, depose and say that on the **9th day of October, 2007 at 2:50 pm, I:**

served a **REGISTERED AGENT** by delivering a true copy of the **Summons & Complaint** to: **Mary Drummond** as **Registered Agent** at the address of: **2711 Centerville Road, Suite 400, Wilmington, DE 19808** on behalf of **Chevron U.S.A., Inc.**, and informed said person of the contents therein, in compliance with state statutes.

Additional Information pertaining to this Service:

CSC/Wilmington can be reached at 302-636-5400.

Description of Person Served: Age: 45, Sex: F, Race/Skin Color: Caucasian, Height: 5-8, Weight: 130, Hair: Brown, Glasses: Y

I am over the age of 18 and have no interest in the above action.

Subscribed and Sworn to before me on the 13th day of November, 2007 by the affiant who is personally known to me.

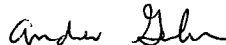


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

MICHAEL D. TALONE, Notary Public
City of Philadelphia, Phila. County
My Commission Expires May 12, 2011



Andrew Gerber
Process Server

MLQ Attorney Services
2000 Riversedge Pkwy
Suite 885
Atlanta, GA 30328
(800) 446-8794

Our Job Serial Number: 2007002713

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
District of Puerto Rico

Case Number: 07-1505 (CCC)

Plaintiff:

Commonwealth of Puerto Rico et al.

vs.

Defendant:

Shell Oil Company, et al.

For:

Orlando Martinez, Esquire
Orlando H. Martinez Law Offices
Centro De Seguros, Suite 413
701 Ponce De Leon Avenue
San Juan, PR 00907

Received by MLQ Attorney Services to be served on **Sunoco, Inc. Robert H. Campbell - President, 1801 Market Street, Philadelphia, PA 19103.**

I, David Rosenzweig, being duly sworn, depose and say that on the **8th day of October, 2007** at **1:24 pm, I:**

served a **CORPORATION** by delivering a true copy of the **Summons & Complaint** to: **Cindy Britton as Receptionist for Sunoco, Inc.,** at the address of: **1801 Market Street, Philadelphia, PA 19103,** and informed said person of the contents therein, in compliance with state statutes.

Additional Information pertaining to this Service:

Recipient was cooperative, signed for documents and provided phone # (215) 977-3172.

Description of Person Served: Age: 42, Sex: F, Race/Skin Color: White, Height: 5'7, Weight: 130, Hair: Brown, Glasses: N

I am over the age of 18 and have no interest in the above action.

Subscribed and Sworn to before me on the 9th day of November, 2007 by the affiant who is personally known to me.



NOTARY PUBLIC



David Rosenzweig
Process Server

MLQ Attorney Services
2000 Riversedge Pkwy
Suite 885
Atlanta, GA 30328
(800) 446-8794
Our Job Serial Number: 2007002714

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

MICHAEL D. TALONE, Notary Public
City of Philadelphia, Phila. County
My Commission Expires May 12, 2011

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
District of Puerto Rico

Case Number: 07-1505 (CCC)

Plaintiff:

Commonwealth of Puerto Rico et al.

vs.

Defendant:

Shell Oil Company, et al.

For:

Orlando Martinez, Esquire
Orlando H. Martinez Law Offices
Centro De Seguros, Suite 413
701 Ponce De Leon Avenue
San Juan, PR 00907

Received by MLQ Attorney Services to be served on **Sunoco, Inc. (R&M) c/o CT Corporation System, 1515 Market Street, Suite 1210, Philadelphia, PA 19102.**

I, David Rosenzweig, being duly sworn, depose and say that on the **8th day of October, 2007** at **1:37 pm, I:**

served a **CORPORATION** by delivering a true copy of the **Summons & Complaint** to: **Sandy Solomon as Senior Processor for Sunoco, Inc. (R&M)**, at the address of: **1515 Market Street, Suite 1210, Philadelphia, PA 19102**, and informed said person of the contents therein, in compliance with state statutes.

Additional Information pertaining to this Service:

Recipient was cooperative and provided phone # (215) 399-9500.

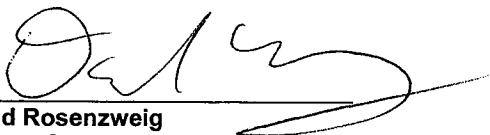
Description of Person Served: Age: 50, Sex: F, Race/Skin Color: White, Height: 5'6, Weight: 160, Hair: Blonde, Glasses: N

I am over the age of 18 and have no interest in the above action.

Subscribed and Sworn to before me on the 9th day of
November, 2007 by the affiant who is personally known to
me.



NOTARY PUBLIC


David Rosenzweig
Process Server

MLQ Attorney Services
2000 Riversedge Pkwy
Suite 885
Atlanta, GA 30328
(800) 446-8794
Our Job Serial Number: 2007002656

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

MICHAEL D. TALONE, Notary Public
City of Philadelphia, Phila. County
My Commission Expires June 12, 2011

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO RICO; et
al.,

CASE NO. 07-1505 (ccc)

PLAINTIFFS,

VS.

SHELL OIL COMPANY; et al.,

DEFENDANTS.

AFFIDAVIT OF DUE DILIGENCE

Personally appeared before me, the undersigned officer duly authorized to administer oaths, Matthew Marks, who, first being duly sworn, on oath deposes and states that he is a citizen of the United States and 18 years of age or older and is a party having no interest in the above-styled case. Affiant further states that he attempted to serve Shell Company Puerto Rico Ltd., c/o Nicholas Noguears, Registered Agent, at P. O. Box 195386, San Juan, Puerto Rico, Georgia. The attempt to serve was unsuccessful because:

1. On October 5, 2007, our office received the paperwork to be served on the above referenced company; however, we cannot serve paperwork at a post office box address. Our client advised us that these papers were being sent by local counsel to the above, so we destroyed our paperwork since it was no longer necessary for service.

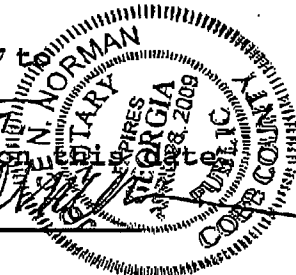
I declare under penalty of perjury that the foregoing is true and correct.

This 14 of November, 2007.

Matthew Marks
Process Server
MLQ Attorney Services
2000 Riveredge Parkway
Suite 885
Atlanta, GA 30328
(770) 984-7007

Subscribed and sworn to
Before me this 14
Day of November, 2007
And notarized by me on 14

[Signature]
Notary Public





Facsimile Cover Sheet

Date: 11-14-
To: Natalie Hunt
Company:
Fax#: (843) 216-6509
From: Jee
Total # of Pages (including cover sheet): 2
Description/Additional Comments:
will put original
in mail

The information contained in this facsimile message may be protected by the attorney/client and/or the attorney/work product privileges. It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by facsimile. If the person actually receiving this facsimile or any other reader of the facsimile is not the named recipient or the employee or agent responsible to deliver it to the named recipient, any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

UNITED STATES DISTRICT COURT
Southern District of New York
Office of the Clerk
500 Pearl Street
New York, N.Y. 10007
(212)805-0136

J. Michael McMahon
Clerk

USDC DISTRICT OF PUERTO RICO

Date: 11/20/07

In Re: MTBE

MDL 1358

Your Docket #

S.D. OF N.Y.

3:07-1505 (cc)

07 CV 10470

RECEIVED AND FILED
2007 NOV 30 PM 2:26
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

Dear Sir:

Enclosed is a certified copy of the order of the Judicial Panel on Multidistrict Litigation, transferring the above entitled action presently pending in your court, to the Southern District of New York and assigned to Judge SCHEINDLIN for coordinated or consolidated pretrial processing pursuant to 28 USC 1407.

Please return the copy of this letter when transmitting YOUR FILE and a CERTIFIED COPY OF THE DOCKET SHEET.

Sincerely,
J. Michael McMahon

By:
MDL Unit

A CERTIFIED TRUE COPY

NOV 16 2007

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

07 CV 10470

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

OCT 31 2007

FILED
CLERK'S OFFICEUNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**IN RE: METHYL TERTIARY BUTYL ETHER ("MTBE")
PRODUCTS LIABILITY LITIGATION**Commonwealth of Puerto Rico, et al. v. Shell Oil Co., et al.,
D. Puerto Rico, C.A. No. 3:07-1505**CONDITIONAL TRANSFER ORDER (CTO-29)**

On October 10, 2000, the Panel transferred two civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 149 additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable Shira Ann Scheindlin.

It appears that the action on this conditional transfer order involves questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Scheindlin.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of October 10, 2000, and, with the consent of that court, assigned to the Honorable Shira Ann Scheindlin.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

NOV 16 2007

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Jeffery N. Lüthi
Jeffery N. Lüthi
Clerk of the Panel

A CERTIFIED COPY

J. MICHAEL McMAHON,

CLERK

BY

Marcos Quintero
Marcos Quintero

DEPUTY CLERK

FLD
SD NY
11/20/07
RECEIVED AND FILED
2007 NOV 30 PM 2:26
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.
FILE NO. 1358

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Puerto Rico

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V.

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Hess Oil Virgin Islands Corporation
c/o Britain H. Bryant, Esquire
Bryant, Barnes, Moss & Beckstedt, LLP
1134 King Street, 2nd Floor
St. Croix, VI 00822-4589

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

NOV 30 2007

CLERK

JAVIER PEREZ

Deputy Clerk

(By) DEPUTY CLERK

DATE

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

CITGO International P.R.
Registered Agent
CT Corp System
206 Tetuan Street
San Juan, PR 00936

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

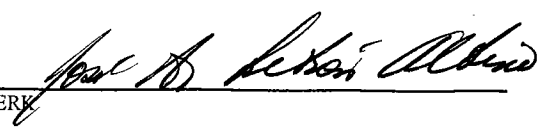
FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

DATE

(By) DEPUTY CLERK



AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>OCT 9, 2007</u>
NAME OF SERVER (PRINT) <u>ROBERTO DIAZ</u>	TITLE <u>Process Server</u>

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: 361 San Francisco
2nd St.
San Juan PR 00919 % CT Corp.
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

- ☐ Returned unexecuted:

- ☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
--------	----------	--------------

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
 Date

[Signature]
 Signature of Server

PO Box 8236 Bayamon PR 00960
 Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO RICO AND
COMMONWEALTH OF PUERTO RICO THROUGH
THE ENVIRONMENTAL QUALITY BOARD.

CASE NO. 07-1505

RE:

Plaintiff,

PLAINTIFF DEMANDS TRIAL
BY JURY

V.

SHELL OIL COMPANY; ET AL.

Defendants

MOTION REQUESTING EXTENSION
OF TIME TO ANSWER OR OTHERWISE PLEAD

TO THE HONORABLE COURT:

COMES NOW Defendants, Total Oil, Inc., and Total Petroleum Puerto Rico Corporation, Inc., (hereinafter collectively referred to as "Total"), through the undersigned attorney and very respectfully state and pray as follows:

1. Plaintiff filed a 48 page 169 paragraph complaint against Total and other defendants which claims environmental damages as a result of an alleged contamination to the waters of the Commonwealth of Puerto Rico due to the alleged use of a gasoline additive known as methyl tertiary butyl, also known as "MTBE".

2. The relevant facts that gave place to the aforementioned complaint span over a significant period of time.

3. Accordingly, Total will need an additional extension of time of approximately forty five (45) days to gather all relevant information and documents related to this matter and to prepare to defend itself from the complaint filed and to file its answer to the complaint or otherwise plead.

3. Total respectfully submits that the extension of time herein requested will not cause prejudice to the parties nor to the effective and timely resolution of the present case.

4. This extension is requested in an attempt to present a complete and adequate responsive position on behalf of Total and to allow said party to conclude an investigation of the related facts and applicable law, which will result in a more expeditious resolution of the present case.

WHEREFORE, it is hereby respectfully requested that this Honorable Court grant Total a forty five (45) day extension of time or until February 11, 2008 to file its answer to the complaint or otherwise plead.

Respectfully submitted.

In San Juan, Puerto Rico, this 28th day of December of 2007.

I hereby certify that a true and exact copy of this motion has been sent by the electronic filing system to all attorneys who have filed appearances in this case.

Attorneys for
Total Oil, Inc.
and Total Petroleum
Puerto Rico Corp.
Citibank Tower
Suite 1202
252 Ponce de Leon Avenue
Hato Rey, P.R. 00918
Phones 787.765.5656
787.765.4949
Fax 787.294.0073

S\ Lee Sepulvado Ramos
USDC-PR No. 211912
lsepulvado@cslawpr.com

S\ Denise Rodríguez Flores
USDC-PR No. 224313
rodriguefloreslaw@gmail.com

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

Puerto Rico

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V.

SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Hess Oil Virgin Islands Corporation
c/o Britain H. Bryant, Esquire
Bryant, Barnes, Moss & Beckstedt, LLP
1134 King Street, 2nd Floor
St. Croix, VI 00822-4589

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

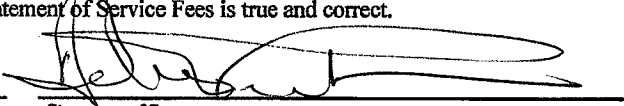
NOV 30 2007

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	12/20/07
NAME OF SERVER (PRINT) DeROY Richards Sr.	TITLE	P.T. Investigator, etc.
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: King ST. Csted, ST. Croix, V.I.		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on 12/20/07 <div style="text-align: center;">Date</div>	 <div style="text-align: center;">Signature of Server</div>	
P.O. Box 654, Csted, V.I. 00821 <div style="text-align: center;">Address of Server</div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Puerto Rico

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V.
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Chevron Phillips Chemical Puerto Rico Core, Inc.
Registered Agent
The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 5 2007

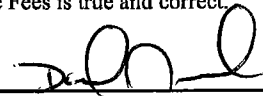
CLERK

DATE


SARAH V. RAMON
DEPUTY CLERK

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE October 8, 2007 at 1:50 p.m.	
NAME OF SERVER (PRINT) Daniel Newcomb	TITLE Process Server	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input checked="" type="checkbox"/> Other (specify): Service on Chevron Phillips Chemical Puerto Rico Core, Inc., was effectuated by serving Scott LaScala, Managing Agent duly authorized to accept service. Service was made at The Corporation Trust Company, 1209 Orange St., Wilmington, DE 19801.</div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"> <div style="width: 30%;"> <p>Executed on <u>October 9, 2007</u></p> <p style="text-align: center; margin-top: 5px;">Date</p> </div> <div style="width: 60%; text-align: center;">  <p style="margin-top: 5px;">Signature of Server</p> <p style="margin-top: 10px;">MLQ Attorney Services 2000 Riveredge Parkway, NW, Suite 885 Atlanta, GA 30328 10-800-446-8784</p> <p style="margin-top: 5px;">Address of Server</p> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

RECEIVED & FILED

UNITED STATES DISTRICT COURT

District of

U.S. DISTRICT COURT

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

Shell Company Puerto Rico Ltd.
Registered Agent
Atty Nicolas Noguerras
PO Box 195386
San Juan, PR 00919

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS-DE MORAN
CLERK OF COURT

OCT - 4 2007

CLERK

JOSE A. LEBRON-ALBINO
DEPUTY CLERK

DATE

(By) DEPUTY CLERK

%AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me⁽¹⁾

DATE

JANUARY 23, 2008

NAME OF SERVER (PRINT)

JOSE MENDOZA

TITLE

PROCESS SERVER

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served:

SAN FRANCISCO ST. # 364

471001 VITO SAN JUAN PUERTO RICO

- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

SHELL COMPANY PUERTO RICO LTD AHORA SOL PUERTO RICO LIMITED

Name of person with whom the summons and complaint were left:

A TRAVES DE CT CORPORATION SYSTEMS P/L DE JEANNETTE TORRES EN SU CONDICION DE AGENTE

RESIDENTE

- ☐ Returned unexecuted:

- ☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL

SERVICES

TOTAL \$0.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on JANUARY 23, 2008

Date

Signature of Server

P.O. BOX 30537 SAN JUAN P.R. 00929.

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO RICO
and COMMONWEALTH OF PUERTO
RICO through the ENVIRONMENTAL
QUALITY BOARD

Plaintiff

vs

CIVIL 07-1505CCC

SHELL OIL COMPANY;
SHELL COMPANY PUERTO RICO LTD.
SHELL CHEMICAL YABUCOA, INC.
SHELL TRADING (US) COMPANY
MOTIVA ENTERPRISES, LLC
EQUILON ENTERPRISES, LLC
CHEVRON CORPORATION
CHEVRON U.S.A., INC.
CHEVRON PUERTO RICO, LLC
TEXACO PUERTO RICO, INC.
CHEVRON PHILLIPS
CHEMICAL PUERTO RICO CORE, INC.
TEXACO PETROLEUM, INC.
CHEVRON INTERNATIONAL OIL
COMPANY, INC.
TEXACO REFINING AND MARKETING,
INC.
CHEVRON CARIBBEAN, INC.
CHEVRON ESTRELLA PUERTO RICO,
INC.
ESSO STANDARD OIL COMPANY
(PUERTO RICO)
EXXONMOBIL CORPORATION
HOVENSA L.L.C.
HESS OIL VIRGIN ISLANDS
CORPORATION
SUNOCO, INC.
SUNOCO, INC. (R & M)
PUERTO RICO SUN OIL COMPANY, LLC
CONOCOPHILLIPS COMPANY
CITGO INTERNATIONAL PR.
CITGO PETROLEUM CORPORATION
TOTAL PETROLEUM PUERTO RICO
CORPORATION
TOTAL OIL INC.
LYONDELL CHEMICAL COMPANY
and DOES 1-99

Defendants

CIVIL 07-1505CCC

2

ORDER

The Applications for Admission Pro Hac Vice (**docket entries 42 and 43**) are GRANTED.

SO ORDERED.

At San Juan, Puerto Rico, on February 12, 2008.

S/CARMEN CONSUELO CEREZO
United States District Judge

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO
FEDERICO DEGETAU FEDERAL BLDG. - RM. 150
CARLOS CHARDON AVE.
HATO REY, PUERTO RICO 00918-1767**

FRANCES RIOS DE MORAN
CLERK

TEL. (787) 772-3012
FAX (787) 766-5693

April 14, 2008

Mr. J. Michael McMahon
Clerk of Court
United States District Court
Southern District of New York
Office of the Clerk
500 Pearl St.
New York, N.Y. 10007

Re: Civil No. 07-1505 (CC)
Commonwealth of Puerto Rico
vs. Shell Oil Company. et al.

Dear Mr. McMahon:

In accordance with the Conditional Transfer Order filed by the Multidistrict Litigation Panel on November 30, 2007 in the above entitled case, we include the following document:

1. Certified copy of docket sheet.

Very truly yours,

FRANCES RIOS DE MORAN
Clerk of Court


Lida Isis Egele
Operations Manager

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of Puerto Rico

COMMONWEALTH OF PUERTO RICO ET AL.

SUMMONS IN A CIVIL ACTION

V.
SHELL OIL COMPANY, ET AL.

CASE NUMBER: 07-1505 (ccc)

TO: (Name and address of Defendant)

HOVENSA, L.L.C.
1 Estate Hope
Christiansted, St. Croix
United States Virgin Islands 00820

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Orlando H. Martinez, Esquire
Orlando H. Martinez Law Offices
Centro de Seguros, Suite 413
701 Ponce de Leon Avenue
San Juan, PR 00907

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

FRANCES RIOS DE MORAN
CLERK OF COURT

OCT - 5 2007

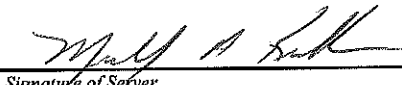
CLERK

SARAH V. RAMON
DEPUTY CLERK

DATE

(By) DEPUTY CLERK

SAO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>15 OCT 07</u>	
NAME OF SERVER (PRINT) <u>MICHAEL A. RICHARDSON</u>	TITLE <u>Process Server</u>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input checked="" type="checkbox"/> Other (specify): <u>SERVED ON ATTORNEY GEORGE DUDLEY RESIDENT</u> <u>AGENT FOR HUVENSA</u>		
STATEMENT OF SERVICE FEES		
TRAVEL <u>9</u>	SERVICES <u>9</u>	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>15 OCT 07</u> <u></u> Date Signature of Server</p> <p style="text-align: center;"><u>1-5 ESE WINTBELL</u> <u>ST. THOMAS USVI 00803</u> <u>(340) 642-8870</u></p> <p style="text-align: center;">Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

Commonwealth of Puerto Rico
Plaintiff(s)
Vs.
Shell Oil Company, et al,

Defendant(s)

No. 07-1505 (ccc)
ACTION FOR: N/A

TO: HOVENSA, LLC.
1 Estate Hope
Christiansted, St. Croix USVI 00820

AFFIDAVIT

TERRITORY OF THE VIRGIN ISLANDS)
DIVISION OF ST. THOMAS – ST. JOHN)

I, Michael A. Richardson being sworn, depose and states:

1. I am a citizen of the United States, resident of the U.S. Virgin Islands, over 18 years of age, am not a party in the above entitled action, nor related to any of the parties herein; was duly appointed as a Process Server for the Superior Court of the U.S. Virgin Islands, License No. 33/2006, which Order is still valid.

2. I received copies of Summons & Complaint #07-1505 (ccc) dtd 5 Oct 07 in the above action and was able to serve as follows:

DATE RECEIVED: 12 Oct 07 DATE SERVED: 15 Oct 07 Time: 8:45am.

PERSON SERVED: George Dudley Esq., Resident Agent (in hand).

PLACE SERVED: #1000 Frederiksberg Gade, St. Thomas, VI 00820

3. Such service was personally made by delivering to and leaving with said person true copies of said Summons & Complaint #07-1505 (ccc) dtd 5 Oct 07.

4. The person served was properly identified to be the person mentioned and described in said process or the person authorized according to law to receive such process.

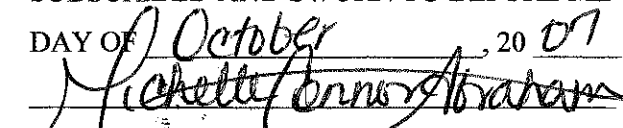
5. I have made a diligent search and inquiry in N/A the person to be served but have been unable to find or learn of the whereabouts of the person and thus been unable to serve process on the said person.

6. FEES FOR SERVICE:	\$ <u>75.00</u>	LOCATION OF ENDEAVORS:
ENDEAVOR:	\$ _____	1. _____
POSTAGE:	\$ _____	2. _____
COPY NOTARY.	\$ _____	3. _____
COURT SEAL/PARK:	\$ _____	4. _____

TOTAL: \$ 75.00

SUBSCRIBED AND SWORN TO BEFORE ME THIS 16

DAY OF October, 20 07.

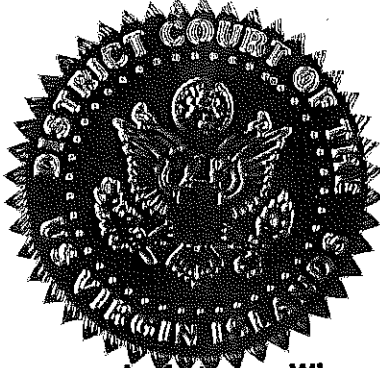

NOTARY PUBLIC

MICHELLE I. CONNOR-ABRAHAM
NOTARY PUBLIC OF ST. THOMAS/ST. JOHN U.S.VI
COMMISSION EXPIRES AUGUST 2, 2011
NP-167-07

Michael A. Richardson
1-5 Wintberg, St. Thomas, USVI
(340) 714-4959 & (340) 642-8870


PROCESS SERVER

TERRITORY OF)
 VIRGIN ISLANDS, U.S.A.)
)
 ST. THOMAS/ST. JOHN...)



In Testimony Whereof,

I, -- -- WILFREDO F. MORALES -- , Clerk of the District Court of the Virgin Islands of the U.S.A., Division of St. Thomas/St. John said Court being a Court of Record, DO HEREBY CERTIFY THAT

-- -- -- MICHELLE L. CONNOR -- ABRAHAM -- --

whose name is subscribed to the Certificate of Proof, or acknowledgment of the annexed instrument, and therein written, was at the time of taking such proof or acknowledgment, a Notary Public of the Virgin Islands of the U.S.A.,

in and for the Division of ..ST...THOMAS/ST...JOHN....., residing in said Division, commissioned and sworn, and duly authorized to take the proof or acknowledgment of deeds to be recorded therein. And further, that I am well acquainted with the handwriting of such Notary, and verily believe the signature to the said Certificate is genuine, and that said instrument is executed and acknowledged according to the laws of the Virgin Islands of the U.S.A.

I have hereunto set my hand and affix the seal of the said Court this 17th day of OCTOBER , 2007

WILFREDO F. MORALES

Clerk

By:

Kura Rogen
 Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

COMMONWEALTH OF PUERTO RICO
and COMMONWEALTH OF PUERTO
RICO through the ENVIRONMENTAL
QUALITY BOARD

Plaintiff

vs

CIVIL 07-1505CCC

SHELL OIL COMPANY;
SHELL COMPANY PUERTO RICO LTD.
SHELL CHEMICAL YABUCOA, INC.
SHELL TRADING (US) COMPANY
MOTIVA ENTERPRISES, LLC
EQUILON ENTERPRISES, LLC
CHEVRON CORPORATION
CHEVRON U.S.A., INC.
CHEVRON PUERTO RICO, LLC
TEXACO PUERTO RICO, INC.
CHEVRON PHILLIPS
CHEMICAL PUERTO RICO CORE, INC.
TEXACO PETROLEUM, INC.
CHEVRON INTERNATIONAL OIL
COMPANY, INC.
TEXACO REFINING AND MARKETING,
INC.
CHEVRON CARIBBEAN, INC.
CHEVRON ESTRELLA PUERTO RICO,
INC.
ESSO STANDARD OIL COMPANY
(PUERTO RICO)
EXXONMOBIL CORPORATION
HOVENSA L.L.C.
HESS OIL VIRGIN ISLANDS
CORPORATION
SUNOCO, INC.
SUNOCO, INC. (R & M)
PUERTO RICO SUN OIL COMPANY, LLC
CONOCOPHILLIPS COMPANY
CITGO INTERNATIONAL PR.
CITGO PETROLEUM CORPORATION
TOTAL PETROLEUM PUERTO RICO
CORPORATION
TOTAL OIL INC.
LYONDELL CHEMICAL COMPANY
and DOES 1-99

Defendants

CIVIL 07-1505CCC

2

JUDGMENT

Given that pursuant to the Conditional Transfer Order issued by the Judicial Panel on Multidistrict Litigation (Panel) on October 31, 2007 (docket entry 50) filed on November 30, 2007 this action has been transferred to the Southern District of New York for coordinated or consolidated pretrial proceedings, the same shall be closed for administrative purposes, to be reopened if and when the case is remanded by the Panel to this Court for trial.

SO ORDERED.

At San Juan, Puerto Rico, on April 29, 2008.

S/ CARMEN CONSUELO CEREZO
United States District Judge